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FEDERAL REGISTER

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Washington, Tuesday, April 2, 1940

The President

ENLARGING SCOTTS BLUFF NATIONAL MONUMENT—NEBRASKA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by Proclamation No. 1547 of December 12, 1919 (41 Stat. 1779), lots 6 and 7, sec. 27, and lot 4, sec. 28, T. 22 N., R. 55 W., of the 6th P. M., bordering on the North Platte River, were reserved as part of the Scotts Bluff National Monument; and

WHEREAS certain islands in the said river and south of the main channel thereof in front of these lands which formed subsequent to the original survey are considered as being appurtenant to the shore lands referred to and as forming a part of the said monument; and

WHEREAS a certain public-land island adjacent to the said monument is necessary for the proper care and administration thereof; and

WHEREAS it appears that it would be in the public interest to reserve this island as an addition to the said Scotts Bluff National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U.S.C., title 16, sec. 431), do proclaim as follows:

1. The above-mentioned proclamation of December 12, 1919, shall be construed in conformity with the plat of survey approved September 1, 1937, to embrace the following-described land:

Sixth Principal Meridian—Nebraska

T. 22 N., R. 55 W.,
sec. 27, lot 9;
sec. 28, lots 6 and 7;
comprising 7.17 acres.

2. Subject to valid existing rights, the hereinafter-described lands are hereby reserved from all forms of appropriation under the public-land laws and added

to and made a part of the Scotts Bluff National Monument:

T. 22 N., R. 55 W.,
sec. 20, lot 7;
sec. 21, lot 3;
sec. 28, lot 8;
comprising 46.17 acres.

Warning is hereby expressly given to any unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of March in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

The Secretary of State.

[No. 2391]

[F. R. Doc. 40-1331; Filed, April 1, 1940; 11:54 a.m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS RELATING TO ANNUAL LEAVE OF GOVERNMENT EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 7 of the act of March 14, 1936, entitled "An Act to provide for vacations to Government employees, and for other purposes" (49 Stat. 1161) as amended by the act of

CONTENTS

THE PRESIDENT

Proclamation:	Page
Scotts Bluff National Monument, Nebr., enlargement...	1253
Executive Orders:	
Annual leave for Government employees	1253
Sick leave for Government employees	1256

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Division of Marketing and Marketing Agreements:	
New York Metropolitan Milk Marketing Area, handling of milk	1258
TITLE 10—ARMY: WAR DEPARTMENT:	
Claims and accounts, payments under contract, regulations amended	1264
Sale of surplus or unserviceable property; loans or transfers of equipment	1264
TITLE 24—HOUSING CREDIT:	
Home Owners' Loan Corporation:	
Property management, broker's authority to incur charges	1264
TITLE 25—INDIANS:	
Office of Indian Affairs:	
Umatilla Reservation, Oreg., restoration	1265
TITLE 31—MONEY AND FINANCE:	
TREASURY:	
Public Debt Service:	
Mutual mortgage insurance fund debentures, Series B, 2¾%, partial redemption before maturity	1265
United States Savings Bonds, regulations governing	1267
Series D, regulations amended	1266
TITLE 43—PUBLIC LANDS: INTERIOR:	
Bureau of Reclamation:	
Sun River Irrigation Project, Mont., public lands opened to entry, etc.	1274

(Continued on next page)



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CONTENTS—Continued

TITLE 47—TELECOMMUNICATION:	
Federal Communications Commission:	Page
Ship service rules amended....	1277
TITLE 50—WILDLIFE:	
International Fisheries Commission:	
Pacific halibut fishery regulations	1278
NOTICES	
Civil Aeronautics Authority:	
Northwest Airlines, Inc., hearing.....	1284
Department of the Interior:	
Bituminous Coal Division:	
Reports from producers covering production and mine operation during 1939....	1281
Bureau of Reclamation:	
Columbia Basin Project, Wash., lands for lease....	1282
Department of Labor:	
Wage and Hour Division:	
Exemption from maximum hours provisions:	
Garden seed and seed corn, preparing and cleaning....	1283
Placer gold open-cut mining in Colorado.....	1284
Issuance of learner employment certificates for various industries.....	1284
Department of State:	
Committee for Reciprocity Information:	
Trade agreement with Switzerland, concession on handkerchiefs.....	1280
Federal Communications Commission:	
Automatic alarm receivers approved for installation and use aboard ship.....	1285
Times Dispatch Radio Corp., hearing.....	1285

CONTENTS—Continued

Federal Trade Commission:	Page
Continental Baking Co., examiner appointed, etc.....	1286
Securities and Exchange Commission:	
Kansas Gas and Electric Co., hearing	1287
Midland Subsidiary Corp., subsidiary service company findings	1286
North American Light & Power Co., hearing	1286

March 2, 1940, entitled "An Act to amend the Annual and Sick Leave Acts of March 14, 1936" (Public No. 419, 76th Congress, 3rd Session), I hereby prescribe the following regulations governing the granting of annual leave to civilian officers and employees of the United States, the District of Columbia, and all corporations included within the provisions of section 6 of the aforesaid act of March 14, 1936, except as provided in Part III hereof:

PART I. DEFINITIONS

SEC. 1. As used in these regulations:

- (a) "Employee" and "employees" include officer and officers, respectively.
- (b) "Permanent employees" are those appointed without limitation as to length of service or for definite periods in excess of 6 months.
- (c) "Temporary employees" are those appointed for definite periods of time not exceeding 6 months.
- (d) "Emergency employees" are those whose compensation is paid from emergency funds and whose tenure of appointment is limited to the period for which the emergency funds are available.
- (e) "Indefinite employees" are those appointed for the "duration of the job" and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one month, as distinguished from part-time or intermittent employees.
- (f) "Accumulated leave" means the unused annual leave not exceeding 60 days which has accrued during years prior to the current year.
- (g) "Current annual leave" means the leave authorized by statute for the current year.
- (h) "Current accrued leave" means that part of the current annual leave which bears the same ratio to the current annual leave that the expired part of the current year bears to the full year.
- (i) "Unaccrued leave" means that part of the current annual leave which bears the same ratio to the current annual leave as the unexpired part of the current year bears to the full year.

PART II. GENERAL PROVISIONS

SEC. 2. Permanent employees who have been employed continuously for one year or more and who do not contemplate leaving the service during the current calendar year shall be entitled to current annual leave with pay at any time during such calendar year not in excess of 26 days. In addition to current annual leave such employees may be granted accumulated leave not to exceed 60 days.

SEC. 3. Leave shall be granted at such time or times as may be deemed to be in the public interest.

SEC. 4. (a) Unaccrued leave shall be granted only with the express understanding that if such leave is not later earned during the calendar year, deductions will be made for the unearned portion from any salary due the employee, or from any deductions in the retirement fund to the credit of the employee.

(b) In cases of separation where an employee is indebted to the Government for advanced annual leave, such indebtedness shall be charged against the employee on the basis of the salary rate obtaining during the period of advanced annual leave and on the basis of one day's pay for each day of absence on a day upon which such employee would otherwise work and receive pay, such days of absence being exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all non-work days established by Federal statute or by Executive or administrative order. Absences for fractional parts of a day shall be charged proportionately. This subsection shall not apply in cases of death, retirement for age or disability, or reduction of force, or in case an employee who is not eligible for retirement is unable to return to duty because of disability, evidence of which shall be supported by an acceptable certificate from a registered practicing physician or other practitioner.

SEC. 5. Employees, other than temporary, entering the service by original appointment or by reinstatement shall be entitled to annual leave with pay accruing at the rate of 2½ days for each month of service rendered until the completion of one year's service. Emergency and indefinite employees shall be entitled to annual leave with pay accruing at the rate of 2½ days per month for each month of service, and may in addition thereto be granted accumulated leave.

SEC. 6. An employee transferred or reappointed without break in service from one permanent, emergency, or indefinite position to another permanent, emergency, or indefinite position within the same or a different governmental agency shall at the time of his transfer or reappointment be credited with such accumulated and current accrued leave as may be due him, or charged with any unaccrued leave which may have been advanced, provided such latter position is also within the purview of the said act

of March 14, 1936. An employee transferred or appointed without break in service from one permanent, emergency, or indefinite position within the purview of the said act of March 14, 1936, to another position or employment in the Federal service which is not within the purview of that act, shall be credited with all leave accumulated and accrued on the date of such transfer or appointment at such time as he may be subsequently retransferred or reappointed to a position within the purview of that act, provided such subsequent retransfer or reappointment is also without break in service. "Break in service" means separation from the Federal service for a period of one or more work days.

Sec. 7. An employee voluntarily separated from the service without prejudice during any calendar year shall be entitled to all of his accumulated leave plus his current accrued leave to and including the date of separation.

Sec. 8. An employee who is involuntarily separated from the service other than for cause due to his own misconduct shall be entitled to all of his accumulated leave and current accrued leave, and the date of his discharge shall be fixed so as to permit him to take such leave. The date of discharge of an employee separated from the service for cause due to his own misconduct may, within the discretion of the administrative office concerned, be fixed so as to permit the allowance of all or any part of accumulated leave and current accrued leave.

Sec. 9. Leave without pay shall not be granted until all accumulated and current accrued leave allowable under these regulations is exhausted, except that

(a) An employee injured in line of duty may be granted leave without pay, if desired, covering the period of absence necessary to recover from such injury, instead of covering such time by annual leave; and during absence because of such injury and while being paid by the Employees' Compensation Commission, such an employee shall continue to earn leave, which shall, however, be granted only in the event of his return to actual duty.

(b) An employee who is ordered to active military, naval or Coast Guard duty may, prior to the exhaustion of his accumulated and current accrued leave, be granted leave or furlough without pay during all or any portion of the period necessary to perform such duty.

Sec. 10. Annual leave shall accrue to an employee while in a leave-with-pay status. Except as provided in section 9 hereof, annual leave shall not accrue to an employee while in a non-pay status due to leave without pay or furlough when the duration of such non-pay status in any calendar year aggregates 30 calendar days or more: *Provided*, that when the duration of such non-pay status is in excess of 30 calendar days in any calendar year, such excess shall affect the

accrual of annual leave only when it aggregates 10 calendar days, and likewise for each aggregate period of 10 calendar days thereafter. Annual leave shall not accrue during any period of suspension for disciplinary reasons.

Sec. 11. Employees shall be charged with annual leave only for absences on days upon which they would otherwise work and receive pay. No charge shall be made against annual leave for absence on Sundays which do not occur within a regular tour of duty, holidays, and non-work days established by Federal statute or by Executive or administrative order: *Provided*, that in the case of employees whose terms or conditions of employment require that they regularly work on a Sunday or holiday and be off duty on another day of the week in lieu thereof, the Sunday or holiday occurring within a period of annual leave shall be charged as annual leave and the lieu day shall not be so charged.

Sec. 12. The minimum charge for annual leave shall be 15 minutes, and additional leave shall be charged in like multiples. Annual leave granted for less than one day shall be charged in the ratio that the amount of annual leave granted bears to the number of work hours of the regular work day prevailing in the agency concerned. For the purposes of this section, Saturdays and part holidays shall not be considered regular work days, except as may be required under section 11 hereof.

Sec. 13. Annual leave shall not be granted with pay at the beginning of a calendar year immediately following a period of absence in a non-pay status in the preceding year unless and until there is a return to duty, at which time leave may be retroactively granted. Leave without pay under any other circumstances may not later be converted into annual leave.

Sec. 14. Temporary employees shall be granted $2\frac{1}{2}$ days leave for each full month of service. After the first month of service such leave may be credited at the beginning of the month in which it accrues. Temporary employees shall be charged with annual leave only for absence on days upon which they would otherwise work and receive pay. No charge shall be made against annual leave for absence on Sundays which do not occur within a regular tour of duty, holidays, and non-work days established by Federal statute or by Executive or administrative order.

Sec. 15. Temporary employees who subsequently receive indefinite, emergency, probational, or permanent appointments in the same department or agency without break in service shall be entitled to $2\frac{1}{2}$ days annual leave for each full month of service to the date of such indefinite, emergency, probational, or permanent appointment and thereafter at the rate of $2\frac{1}{2}$ days per month, and shall be credited with such accumulated and current accrued leave as may be due,

or charged with any unaccrued leave which may have been advanced.

Sec. 16. Nothing in these regulations shall be construed to prevent the continuance of any leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply these regulations to employees stationed without the continental limits of the United States, subject to the continuance of such leave differential.

Sec. 17. The annual leave authorized by these regulations shall, except as to temporary employees, be recorded and administered on a calendar-year basis.

Sec. 18. The heads or governing bodies of the various governmental agencies to which this Executive Order applies shall be responsible for the proper administration of these regulations in so far as they pertain to the granting of annual leave to employees under their respective jurisdictions; and they may, within the limits authorized by law, issue such regulations as are not inconsistent with these regulations.

PART III. EMPLOYEES EXCEPTED

Sec. 19. These regulations shall not apply to:

(a) Teachers and Librarians of the public schools of the District of Columbia.

(b) Officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama.

(c) Temporary employees engaged on construction work at hourly rates.

(d) The Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the Mail Equipment Shops.

(e) Persons paid security or prevailing wages from funds allocated by the Work Projects Administration, Federal Works Agency, on state, municipal, or other public but non-Federal projects, or on a Federal project: *Provided*, that annual leave shall be granted in accordance with these regulations to employees in the central office of the Work Projects Administration, Federal Works Agency, in the District of Columbia and at district and local headquarters, and to other employees in administrative or clerical positions who receive other than security or prevailing wages, as prescribed in Executive Orders.

(f) Employees not required to be continuously employed during regular tour of duty, such as: (1) per diem or per hour employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as me-

chanics, skilled laborers, and others engaged in various services on maintenance, repair, clean-up work, etc., where employment is more or less intermittent and not on a regular and continuous basis; and (6) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

PART IV. RATIFICATION; REVOCATION;
EFFECTIVE DATE

SEC. 20. All temporary regulations issued by the heads of the various departments and independent establishments under authority of Executive Order No. 7321 of March 21, 1936, are hereby ratified. All such temporary regulations and all other regulations relating to the granting of annual leave are hereby revoked in so far as they are inconsistent with these regulations.

SEC. 21. This order shall supersede Executive Orders No. 7845 of March 21, 1938, No. 7879 of May 9, 1938, and No. 8226 of August 24, 1939, and shall be effective as of March 2, 1940, except that sections 6 and 9 shall be effective as of July 1, 1936, provided that the total amount of leave to the credit of any employee resulting from an adjustment of such leave on the basis of the regulations as herein amended shall not exceed the amount authorized to be accumulated by law.

SEC. 22. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 29, 1940.

[No. 8384]

[F. R. Doc. 40-1317; Filed, April 1, 1940;
9:47 a. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS RELATING TO
SICK LEAVE OF GOVERNMENT EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 7 of the act of March 14, 1936, entitled "An Act to standardize sick leave and extend it to all civilian employees" (49 Stat. 1162) as amended by the act of March 2, 1940, entitled "An Act to amend the Annual and Sick Leave Acts of March 14, 1936" (Public No. 419, 76th Congress, 3rd Session), I hereby prescribe the following regulations governing the granting of sick leave to civilian officers and employees of the United States, the District of Columbia, and all corporations included within the provisions of section 6 of the aforesaid act of March 14, 1936, except as provided in Part III hereof:

PART I. DEFINITIONS

SEC. 1. As used in these regulations "employee" and "employees" shall include:

- (a) Officer and officers, respectively.
- (b) Permanent employees—those appointed without limitation as to length

of service or for definite periods in excess of six months.

(c) Temporary employees—those appointed for definite periods of time not exceeding six months.

(d) Emergency employees—those whose compensation is paid from emergency funds and whose tenure of appointment is limited to the period for which the emergency funds are available.

(e) Indefinite employees—those appointed for the "duration of the job" and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one month, as distinguished from part-time or intermittent employees.

PART II. GENERAL PROVISIONS

SEC. 2. Sick leave with pay shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement, or when some member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others.

SEC. 3. Except as provided in section 4 hereof, employees shall be entitled to sick leave at the rate of $1\frac{1}{4}$ days a month, and if such leave is not used it shall accumulate: *Provided*, that the total accumulation shall not exceed 90 days. Sick leave accruing during any month of service shall be available at any time during the month.

SEC. 4. In cases of serious disability or ailments, and when the exigencies of the situation so require, sick leave may be advanced not in excess of 30 days in addition to the unused sick leave that has accumulated to the credit of the employee: *Provided*, that temporary employees shall not be entitled to an advance of sick leave: *And provided further*, that no advances of sick leave shall be made to any employee unless the absence from duty on account of illness is for a period, or periods, of not less than 5 consecutive work days, except that advanced leave in a less amount may be granted to supplement accrued leave to cover a continuous absence of 5 work days or more; that every case of advanced leave shall be supported by a certificate of a registered practicing physician or other practitioner; that the total of such advances shall not at any time exceed 30 days in excess of the accumulated sick leave; and that such advances shall be charged against sick leave subsequently accumulating.

SEC. 5. When an employee applies for sick leave in excess of the amount accumulated to his credit and the circumstances do not justify such an advance, the excess leave applied for, if granted and used, shall be charged against any unused annual leave to which the em-

ployee is entitled, or, if there is no unused annual leave, the excess shall be charged as leave without pay, and such excess leave, however charged, shall not thereafter be converted into either sick or annual leave subsequently accumulating.

SEC. 6. Sick leave shall not be advanced in an amount that would exceed the total that would accumulate during the period from the date of the advance to the termination of a limited appointment (not temporary in character) or one expiring on a specified date.

SEC. 7. Advanced sick leave may be granted irrespective of whether the employee has to his credit unused annual leave.

SEC. 8. Sick leave shall not be granted for slight illness or indisposition not incapacitating the employee for the performance of his regular duties, or for absence for the purpose of being treated professionally by a dentist or oculist in his office; but sick leave may be granted for detention at home or in a hospital by illness or disability due to causes as to which a dentist or oculist is qualified to certify.

SEC. 9. An employee transferred or reappointed without break in service from one permanent, emergency or indefinite position to another permanent, emergency or indefinite position within the same or a different governmental agency shall at the time of his transfer or reappointment be credited with accumulated sick leave, and charged with sick leave previously advanced in excess of that accumulated, provided such latter position is also within the purview of the said act of March 14, 1936. An employee transferred or appointed without break in service from one permanent, emergency, or indefinite position within the purview of the said act of March 14, 1936, to another position or employment in the Federal service which is not within the purview of that act, shall be credited with all leave, accumulated and accrued on the date of such transfer or appointment at such time as he may be subsequently retransferred or reappointed to a position within the purview of that act, provided such subsequent retransfer or reappointment is also without break in service. "Break in service" means separation from the Federal service for a period of one or more work days.

SEC. 10. Sick leave shall accrue to an employee while in a leave-with-pay status. Sick leave shall not accumulate to an employee while in a non-pay status due to leave without pay or furlough when the duration of such non-pay status in any calendar year aggregates 30 calendar days or more: *Provided*, that when the duration of such non-pay status is in excess of 30 calendar days in any calendar year, such excess shall affect the accumulation of sick leave only when it aggregates 10 calendar days, and likewise for each aggregate period of 10 calendar days thereafter.

¹ 3 F.R. 715, 1075; 4 F.R. 3722.

Sick leave shall not accrue during any period of suspension for disciplinary reasons.

SEC. 11. In the case of voluntary separation or removal for cause of an employee to whom sick leave has been advanced in an amount in excess of that accumulated, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him or from any amount in the retirement fund to his credit. Such indebtedness shall be charged against the employee on the basis of the salary rate obtaining during the period of advanced sick leave and on the basis of one day's pay for each day of absence on a day upon which the employee would otherwise work and receive pay, such days of absence being exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all non-work days established by Federal statute or by Executive or administrative order. Absences for fractional parts of a day shall be charged proportionately. This section shall not apply in cases of death, retirement for age or disability, or reduction of force, or in case an employee who is not eligible for retirement is unable to return to duty because of disability, evidence of which shall be supported by an acceptable certificate from a registered practicing physician or other practitioner.

SEC. 12. Employees shall be charged for sick leave only for absence on account of illness on days upon which they would otherwise work and receive pay. Absence on account of illness on Sundays not occurring within a regular tour of duty, on holidays, and on all non-work days established by Federal statute or Executive or administrative order shall not be charged as sick leave.

SEC. 13. The minimum charge for absence on account of sickness shall be one-half of a regular work day, which minimum charge shall likewise apply on Saturdays or other days on which four hours constitute a full work day; and additional sick leave authorized on the same day shall be charged in multiples of one-half hour.

SEC. 14. Notification of absence on account of sickness shall be given as soon as possible on the first day of absence. If such notification is not made in accordance with this regulation, such absence may be charged to annual leave or leave without pay. Application for sick leave shall be filed within two days after return to duty. For periods of absence of 3 work days or less, the total of which shall not exceed 12 work days in any one calendar year, the applicant's signed statement on a prescribed form may be accepted.

SEC. 15. In case of a period of absence in excess of 3 work days a certificate of a registered practicing physician or other practitioner supporting the application for sick leave shall be filed not later than

fifteen days after return to duty. In remote localities where such certificate cannot reasonably be obtained, the applicant's signed statement as to the nature of the illness and the reason why a certificate is not furnished may be accepted.

SEC. 16. When sickness continuing for more than 5 work days occurs within a period of annual leave, the period of illness may, upon presentation of the certificate of a registered practicing physician or other practitioner, be charged as sick leave, and the charge against annual leave reduced accordingly. No such charge against sick leave shall be made for illness which does not last more than 5 work days. Application for such substitution of sick leave for annual leave shall be made within 2 days after the expiration of the annual-leave period: *Provided*, that this provision may be waived by the head of the department or agency concerned.

SEC. 17. Sick leave may not be granted for a period immediately following a period of absence in a non-pay status, unless and until there is a return to actual duty, nor may such leave without pay be converted into sick leave.

SEC. 18. Sick leave accumulated during temporary appointment shall be credited to an employee who receives an indefinite, emergency, probational, or permanent appointment in the same department or agency without break in service but shall not be transferable elsewhere under any circumstances.

SEC. 19. In the case of an employee who was not entitled to sick leave under prior law, but who is now entitled thereto, sick leave as accumulated may be substituted for leave without pay or annual leave taken because of illness between January 1 and March 14, 1936.

SEC. 20. Sick leave taken in excess of 1½ days a month during the period between January 1 and March 14, 1936, shall be charged against sick leave subsequently accumulating.

SEC. 21. Nothing in these regulations shall be construed to prevent the continuance of any sick leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply these regulations to employees stationed without the continental limits of the United States, subject to the continuance of such leave differential.

SEC. 22. The heads or governing bodies of the various governmental agencies to which this order applies shall be responsible for the proper administration of these regulations in so far as they pertain to the granting of sick leave to employees under their respective jurisdiction; and they may, within the limits authorized by law, issue such regulations as are not inconsistent with these regulations.

PART III. EMPLOYEES EXCEPTED

SEC. 23. These regulations shall not apply to:

(a) Teachers and librarians of the public schools of the District of Columbia.

(b) Officers and members of the police and fire departments of the District of Columbia, other than civilian personnel.

(c) Officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama.

(d) Temporary employees engaged on construction work at hourly rates.

(e) The Postmaster General and officers and employees in or under the Post Office Department except those serving in the departmental service and in the Mail Equipment Shops.

(f) Persons paid security or prevailing wages from funds allotted by the Work Projects Administration, Federal Works Agency, on a state, municipal, or other public but non-Federal project or on a Federal project: *Provided*, that sick leave shall be granted in accordance with these regulations to employees in the central office of the Work Projects Administration, Federal Works Agency, in the District of Columbia and at district and local headquarters, and to other employees in administrative or clerical positions who receive other than security or prevailing wages as prescribed in Executive Orders.

(g) Employees not required to be continuously employed during regular tour of duty, such as: (1) Per diem or per hour employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as mechanics, skilled laborers, and others engaged in many services on maintenance, repair, clean-up work, and the like, where employment is more or less intermittent and not on a regular or continuous basis; and (6) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

PART IV. RATIFICATION; REVOCATION; EFFECTIVE DATE

SEC. 24. All temporary regulations issued by the heads of the various departments and independent establishments under authority of Executive Order No. 7321 of March 21, 1936, are hereby ratified. All such temporary regulations and all other regulations relating to the granting of sick leave are hereby revoked in so far as they are inconsistent with these regulations.

SEC. 25. This order shall supersede Executive Orders No. 7846 of March 21, 1938, No. 7880 of May 9, 1938, and No. 8227 of August 24, 1939,¹ and shall be

¹ 3 F.R. 717, 1075; 4 F.R. 3722.

effective as of March 2, 1940, except that section 9 shall be effective as of July 1, 1936, provided that the total amount of leave to the credit of any employee resulting from an adjustment of such leave on the basis of the regulations as herein amended shall not exceed the amount authorized to be accumulated by law.

SEC. 26. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 29, 1940.

[No. 8385]

[F. R. Doc. 40-1318; Filed April 1, 1940;
9:47 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 27, as amended]

PART 927—ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

- Sec.
- 927.0 Findings.
 - 927.1 Definitions.
 - 927.2 Market administrator.
 - 927.3 Classification of milk.
 - 927.4 Minimum prices.
 - 927.5 Reports of handlers.
 - 927.6 Determination of uniform prices.
 - 927.7 Payments to producers.
 - 927.8 Expense of administration.
 - 927.9 Suspension, termination, and liquidation.

Whereas, the Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective as of September 1, 1938, Order No. 27¹ regulating the handling of milk in the New York metropolitan marketing area, which order was amended,² effective as of October 1, 1939; and

Whereas, the Secretary, having reason to believe that amendments to said order would tend to effectuate the declared policy of the act, gave, on the 22d day of September 1939, notice of a hearing³ which was held, beginning on the 10th day of October 1939 at Albany, New York, and beginning on the 16th day of October 1939, at New York City, New York, and at said times and places conducted a public hearing at which all interested parties were afforded an opportunity to be heard on proposed amendments to said order; and

Whereas, after said hearing and after representatives of the Secretary had heard, at a hearing held in New York

City on the 10th day of January 1940, oral argument on a proposed order, as amended, prepared by the Dairy Section, Division of Marketing and Marketing Agreements, United States Department of Agriculture, for the purpose of such hearing; and

Whereas, the Secretary, having reason to believe that further amendments to said order would tend to effectuate the declared policy of the act, gave, on the 16th day of February 1940, notice of a hearing⁴ which was held, beginning on the 29th day of February 1940, at New York City, New York, at which time and place a public hearing was conducted at which all interested parties were afforded an opportunity to be heard on said further proposed amendments to said order; and

Section 927.0 *Findings.* Whereas, the Secretary finds, upon the evidence introduced at the last above-mentioned hearings, said findings being in addition to findings made upon the evidence introduced in the original hearings on said order and on said amendment and being in addition to the other findings and determinations made prior to or at the time of the original issuance of said order and of said amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of the act, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

3. That the issuance of this amendment to the order, and all of the terms and conditions of the order, as amended, will tend to effectuate the declared policy of the act;

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby issues the following order, as amended, regulating the handling of

milk in the New York metropolitan milk marketing area:*

§ 927.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "New York metropolitan milk marketing area" means the city of New York, the counties of Nassau, Suffolk (except Fisher's Island), and Westchester, all in the State of New York, and is hereinafter called the "marketing area."

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces milk which is delivered to a handler at a plant which is approved by any health authority for the receiving of milk to be sold in the marketing area.

(f) "Handler" means any person who engages in the handling of milk, or cream therefrom, which was received at a plant approved by any health authority for the receiving of milk to be sold in the marketing area, which handling is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce. This definition shall be deemed to include a cooperative association of producers with respect to any milk received from producers at any plant operated by such association or with respect to any milk which it causes to be delivered from producers to any other handler for the account of such association and for which such association collects payment.

(g) "Market administrator" means the agency, which is described in § 927.2, for the administration of this order.

(h) "Special cream area" means the territory, with the exception of the marketing area, which lies within the boundaries of the State of New York and of the following counties in the State of New Jersey:

Bergen.	Morris.
Essex.	Passaic.
Hudson.	Somerset.
Hunterdon.	Sussex.
Middlesex.	Union.
Monmouth.	Warren.

§ 927.2 *Market administrator—(a) Selection, removal, and bond.* The agency for the administration of this order shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and de-

* §§ 927.0 to 927.9, inclusive, issued under the authority contained in 48 Stat. 31 (1933); 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. § 401 et seq. (Supp. IV 1938).

¹ 3 F.R. 1945.

² 4 F.R. 3901.

³ 4 F.R. 4039.

⁴ 5 F.R. 714.

liver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have power to administer the terms and provisions hereof, and to receive, investigate, and report to the secretary complaints of violations of this order.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 927.5 (a), or made payments required by § 927.7;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 927.8 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(9) Maintain a main office and such branch offices as may be necessary.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 25th day of each month, the average for 30 days immediately preceding, of the prices reported daily by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, and the Class I and Class II-A prices to be in effect for the following month, pursuant to § 927.4 (a).

(2) Not later than the 5th day of each month, the prices for all other classes pursuant to § 927.4 (a), the differentials pursuant to § 927.4 (b), and

the adjustment pursuant to § 927.4 (d), in effect for the preceding month.

(3) Not later than the 14th day of each month, the uniform price computed pursuant to § 927.6 (b).*

§ 927.3 *Classification of milk—(a) Basis of classification.* (1) All milk received during any month from producers by handlers shall be classified in the classes set forth in paragraph (b) of this section in accordance with the form in which it is held at or moved from, within 8 days after the end of the month, the plant where received from producers, including members of any cooperative association, except that milk which is moved to some other plant, or milk the butterfat from which is moved to some other plant, may be classified at the first plant according to the form in which it is held at or moved from such other plant, as follows:

(i) When moved as milk to a second plant outside the marketing area classification may be in accordance with the form in which it is held at or moved from the second plant.

(ii) When moved as cream, plain condensed milk, or homogenized mixtures to a second plant inside or outside of the marketing area, classification may be in accordance with the form in which it is held at or moved from the second plant.

(iii) When moved as milk to a second plant outside the marketing area and then moved as cream, plain condensed milk, or homogenized mixtures from this second plant outside the marketing area to a third plant inside or outside the marketing area; classification may be in accordance with the form in which it is held at or moved from such third plant.

(iv) In establishing the classification of any milk received at a plant from producers the burden rests upon the handler who receives the milk from producers to show that it should not be classified as Class I milk; likewise, having established the manufacture of cream, the burden rests upon such handler to show that the milk, the butterfat from which was manufactured into cream, should not be classified in Class II-A: *Provided*, That the only form in which cream received at any plant in the marketing area may leave such plant so that the milk from which such cream was manufactured may be classified other than in Class II-A is in the form of frozen desserts, homogenized mixtures, or cream cheese.

(b) *Classes of milk.* Subject to all of the conditions set forth in paragraph (a) of this section, the classes of milk shall be as follows:

(1) Class I milk shall be all milk which leaves a plant as milk, chocolate milk, or any whole milk drink, and all milk the classification of which is not established in some other class named in this paragraph, except that loss or waste of milk in a plant where milk is received from

producers, not to exceed 2 percent of the total quantity of milk received, may be prorated to each class or price subdivision of such class in the proportion which the milk in such class or price subdivision of such class is of the total quantity of milk received at such plant: *Provided*, That any loss or waste in excess of 2 percent shall be subject to the price set forth in § 927.4 (a) (3).

(2) Class II-A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream, sweet or sour, unless such cream is established to have been subsequently so handled or marketed as to classify such milk in some other class.

(3) Class II-B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk or, except as set forth in subparagraph (7) of this paragraph, frozen desserts or homogenized mixtures.

(4) Class II-C milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream which is delivered to a purchaser in the special cream area, is not moved as cream to a plant in the marketing area or sold in the marketing area, and the classification of which is not established in some other class.

(5) Class III-A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of evaporated milk in hermetically sealed cans, sweetened condensed milk, milk chocolate, milk powder, malted milk powder, or any cheese other than American Cheddar and cream cheese.

(6) Class III-B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse at an average temperature below zero degrees Fahrenheit for 7 consecutive days, and below 15 degrees Fahrenheit for at least 21 days thereafter, as shown by charts of a recording thermometer and which is subject at all times to being inspected by a representative of the market administrator to determine the physical presence of the cream and the temperature of the room where stored. After the first 7 consecutive days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 48 hours thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.7 (k) for the difference between the Class III-B and Class II-A prices for the month in which the III-B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

(7) Class III-C milk shall be all milk the butterfat from which leaves a plant in the form of frozen desserts or in the form of homogenized mixtures used in

frozen desserts, provided the frozen desserts in both instances were sold and remained outside of New York City; and all milk the butterfat from which is delivered as cream to a purchaser outside the special cream area which is not subsequently moved back into the special cream area or the marketing area.

(8) Class III-D milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream cheese.

(9) Class IV-A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of butter.

(10) Class IV-B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of American Cheddar cheese.*

§ 927.4 Minimum prices—(a) Class prices. (1) For milk containing 3.5 percent of butterfat received during each month from producers or cooperative associations of producers at plants in the 201-210 mile zone, each handler shall pay per hundredweight not less than the prices set forth in this paragraph. For milk containing more or less than 3.5 percent of butterfat or received from producers or cooperative associations of producers at plants in other zones, each handler shall pay per hundredweight not less than the prices set forth in this paragraph plus or minus the differentials set forth in paragraphs (b) and (c) of this section.

(2) Payment of the minimum prices for milk received direct from producers shall be in accordance with § 927.7. Any handler who purchases or receives, during any month, milk from a cooperative association of producers which is also a handler shall, on or before the 15th day of the following month, pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section.

(3) For Class I milk the price per hundredweight during each month shall be the prices set forth in the table in this subparagraph but not less than \$2.45 per hundredweight, during the months of May, June, July, 1940, and \$2.65 per hundredweight during the months of November and December 1940, except as specified in subparagraphs (4) and (5) of this paragraph.

92-score butter, wholesale, at New York, average announced pursuant to § 927.2 (e) (cents per pound)	Class I price	
	April through July	August through March
	Dollars per cwt.	Dollars per cwt.
Under 25.....	2.00	2.25
25 or over, but under 30.....	2.20	2.45
30 or over, but under 35.....	2.20	2.65
35 or over, but under 40.....	2.40	2.65
40 or over, but under 45.....	2.60	2.85
45 and over.....	2.80	3.05

(4) For Class I milk sold by a handler in the marketing area under a program approved by the Secretary and upon

which payment is made out of Federal funds, the price shall be 57 cents per hundredweight less than the price in effect pursuant to subparagraph (3) of this paragraph.

(5) In the case of Class I milk, which is sold outside the marketing area from a plant outside the marketing area or which is received from producers at a plant within the marketing area and sold therefrom outside the marketing area, herein called "outside Class I milk," no price shall be in effect.

(6) For Class II-A milk the price during each month shall, subject to the plus adjustment, if any, computed pursuant to paragraph (d) of this section, be as follows:

92-score butter, wholesale, at New York, average announced pursuant to § 927.2 (e) (cents per pound)	Class II-A price	
	March through July	August through February
	Dollars per cwt.	Dollars per cwt.
Under 21.5.....	1.35	1.50
21.5 or over, but under 25.0.....	1.50	1.65
25.0 or over, but under 28.5.....	1.65	1.80
28.5 or over, but under 32.0.....	1.80	1.95
32.0 or over, but under 35.5.....	1.95	2.10
35.5 or over, but under 39.0.....	2.10	2.25
39.0 or over, but under 42.5.....	2.25	2.40
42.5 or over, but under 46.0.....	2.40	2.55
46 or over.....	2.55	2.70

(7) For Class II-B milk during the months of March through July the price shall be 40 cents higher than the Class IV-A price and during the months of August through February, the price shall be 50 cents higher than the Class IV-A price.

(8) For Class II-C milk the price during each month shall be 35 cents higher than the Class IV-A price.

(9) For Class III-A milk the price during each month shall be 10 cents higher than the average, computed by the market administrator, of prices, as reported to the United States Department of Agriculture, paid during such month to farmers by each of the evaporated milk plants which purchase milk at places listed in this subparagraph and for which prices are reported: *Provided*, That in no event shall the Class III-A price be less than a price computed by the market administrator as follows: To the average price of 92-score butter at wholesale in the Chicago market for such month, as reported by the United States Department of Agriculture, add 30 percent, multiply by 3.5, and add 7 cents.

Locations of Evaporated Milk Plants

Mt. Pleasant, Mich.
Sparta, Mich.
Hudson, Mich.
Wayland, Mich.
Coopersville, Mich.
Greenville, Wis.
Black Creek, Wis.
Orfordville, Wis.
Chilton, Wis.
Berlin, Wis.
Richland Center, Wis.

Oconomowoc, Wis.
Jefferson, Wis.
New Glarus, Wis.
Belleville, Wis.
New London, Wis.
Coldwater, Ohio.
Delta, Ohio.

(10) For Class III-B milk the price during each of the months of March through July shall be 30 cents higher than the Class IV-A price, and, during each of the months of August through October the price shall be 40 cents higher than the Class IV-A price, and, during the months of November through February, the price shall be 50 cents higher than the Class IV-A price.

(11) For Class III-C milk the price during each month shall be 11 cents higher than the Class IV-A price.

(12) For Class III-D milk the price during each month shall be 7½ cents higher than the Class IV-A price.

(13) For Class IV-A milk the price during each month shall, subject to the plus adjustment if any, computed pursuant to paragraph (d) of this section, be a price computed by the market administrator as follows: From the average of the highest prices reported daily during such month by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, and multiply by 3.5.

(14) For Class IV-B milk the price during each month shall be a price computed by the market administrator as follows: Take the average of the weekly quotations, with differentials as indicated, from such of these markets as may issue quotations during such month: Single Daisies at Wisconsin Cheese Exchange, Plymouth, Wisconsin, plus 1 cent per pound; Twins at Gouverneur Cheese Board, Gouverneur, New York; Flats at Cuba Board of Trade, Cuba, New York; and from such average deduct, 3 cents, and multiply by 9.45. In the absence of all quotations from any market the average quotation for that market used for the preceding month shall be used.

(b) *Butterfat differentials.* The minimum price for Class I milk specified in paragraph (a) of this section shall be plus or minus 4 cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class IV-B milk containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount equal to the price set forth in subparagraph (14) of paragraph (a) of this section, divided by 9.45 and multiplied by 0.23. The minimum prices for each of the other classes of milk containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount equal to the respective prices set forth in paragraph (a) of this section, without the applicable skim milk adjustment, if any,

computed pursuant to paragraph (d) of this section, divided by 35.

(c) *Transportation differentials.* The market administrator shall from time to time publicly announce for each plant outside the marketing area, operated by each handler, the freight zone set forth in the schedule below in this section according to the railway mileage distance from New York City terminals of its nearest railway shipping point, or its highway mileage distance from New York City, if the latter is less than the former by more than 15 miles. Any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission. For the purposes of this paragraph each plant within the marketing area shall be assigned by the market administrator to the 1-10 mile freight zone. The minimum prices set forth in paragraph (a) of this section shall be plus or minus the amounts as set forth in the following schedule:

A	B	C	D
Freight zone (miles)	Class I	Classes II-A, II-B, II-C, and III-B	Class III-A
	Cents per cwt.	Cents per cwt.	Cents per cwt.
1-10	+15	+8	+4
11-20	+14	+8	+4
21-25	+13	+8	+4
26-30	+13	+7	+4
31-40	+13	+7	+4
41-50	+10.5	+7	+4
51-60	+10.5	+6	+3
61-70	+9.5	+6	+3
71-75	+8	+6	+3
76-80	+8	+5	+3
81-90	+8	+5	+3
91-100	+7	+5	+3
101-110	+7	+4	+2
111-120	+6	+4	+2
121-125	+6	+4	+2
126-130	+5	+3	+2
131-140	+5	+3	+2
141-150	+3.5	+3	+2
151-160	+2.5	+2	+1
161-170	+2.5	+2	+1
171-175	+1.5	+2	+1
176-180	+1.5	+1	+1
181-190	+1.5	+1	+1
191-200	0	+1	+1
201-210	0	0	0
211-220	-1	0	0
221-225	-1	0	0
226-230	-1	-1	0
231-240	-2	-1	0
241-250	-2	-1	0
251-260	-3.5	-2	-1
261-270	-3.5	-2	-1
271-275	-3.5	-2	-1
276-280	-3.5	-3	-1
281-290	-4.5	-3	-1
291-300	-5.5	-3	-1
301-310	-5.5	-4	-2
311-320	-5.5	-4	-2
321-325	-7	-4	-2
326-330	-7	-5	-2
331-340	-7	-5	-2
341-350	-8	-5	-2
351-360	-8	-6	-3
361-370	-8	-6	-3
371-375	-9	-6	-3
376-380	-9	-7	-3
381-390	-9	-7	-3
391-400	-9	-7	-3
401-410	-10.5	-8	-4
411-420	-10.5	-8	-4
421-425	-10.5	-8	-4
426-430	-10.5	-9	-4
431-440	-11.5	-9	-4
441-450	-11.5	-9	-4
451-460	-11.5	-10	-5
461-470	-12.5	-10	-5
471-475	-12.5	-10	-5
476-480	-12.5	-11	-5
481-490	-14	-11	-5
491-500	-14	-11	-5

(d) *Skim milk adjustment.* The minimum prices for Classes II-A and IV-A milk shall include any plus adjustment which shall be computed by the market administrator as follows: From the average of all the hot roller process dry skim milk quotations for "other brands, animal feed, carlots, bags or barrels" (using midpoint of any range as one quotation), published during each month in "The Producers' Price-Current," subtract 4½ cents, and multiply by 7.5.*

§ 927.5 *Reports of handlers.*—(a) *Monthly reports.* On or before the 10th day of each month each handler shall report to the market administrator, in the manner and on forms prescribed by the market administrator, with respect to milk received at each plant during the preceding month:

(1) The total quantity of milk, with the average butterfat content thereof, received from producers, from other plants, from such handler's own farm, and from other handlers;

(2) The total quantity of such milk and of each product of such milk moved out of, or on hand at, such plant within 8 days after the end of such month, the butterfat content of each product, and the destination of any milk which moved out of such plant;

(3) If classification of any milk is claimed by such handler on the basis of disposition at some other plant, the disposition of such milk, covered by written consent for verification by audit thereof signed by the operator, if not a handler, of the other plant; and

(4) The computation, pursuant to § 927.6 (a), of such handler's net pool obligation.

(b) *Verification of reports and payments.* The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall, during the usual hours of business, make available to the market administrator or his representative such of his records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(3) Verify the payments to producers prescribed in § 927.7; and

(4) Verify all claims for payments pursuant to § 927.7 (e), (f), and (g).*

§ 927.6 *Determination of uniform price.*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for milk received from producers

during each month shall be a sum of money computed for such month as follows:

(1) Determine the total quantity of milk in each class at each plant;

(2) Subtract pro rata out of each class the quantity of milk received from the handler's own farm;

(3) Prorate in the case of each plant where milk is received from producers, to each class or price subdivision of each class, the loss or waste of milk at such plant not to exceed 2 percent of the total quantity of milk in all classes and calculate any remainder as Class I milk subject to the price set forth in § 927.4 (a) (3);

(4) Subtract from the remaining quantity of milk in each class the quantity of such milk received from any other plant, or received from any other handler if not produced by such handler, and subtract from the total quantity of Class I milk the total quantity of outside Class I milk, which result shall be known as the "net pooled milk" in each class at each plant;

(5) Multiply the net pooled milk in each class by the class price, with appropriate differentials applicable pursuant to § 927.4 (b) and (c), and add together the resulting values;

(6) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in excess of 3.5 percent, and add, in the case of each plant where the butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to § 927.7 (c);

(7) Deduct, in the case of each plant nearer New York City than the 201-210 mile zone, and add, in the case of each plant farther from New York City than the 201-210 mile zone, the sum obtained by multiplying the net pooled milk by the zone differential set forth in column B of the schedule in § 927.4 (c) applicable to the plant;

(8) Deduct 5 cents per hundredweight in the case of net pooled milk at plants located at West Cossackie, Kyserike, Ellenville, and Accord, New York; 30 cents in the case of net pooled milk at plants in the marketing area; and 20 cents per hundredweight in the case of all net pooled milk at plants located at Wallkill, Phinney's Crossing, Gardiner, and New Paltz, New York, and in the following counties:

New Jersey Counties. Hunterdon, Somerset, Essex, Union, Morris, Warren, Sussex, Passaic, Burlington.

New York Counties. Columbia, Dutchess, Orange, Putnam, Rockland.

Connecticut. Litchfield County.

Massachusetts. Berkshire County.

(9) Add together the handler's net pool obligation for all plants at which milk was received from producers.

(b) *Computation of the uniform price.* The market administrator shall, on or

before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of net pooled milk on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to § 927.7 (h) shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly pool debits. Subject to the aforementioned conditions the market administrator shall compute the uniform price in the following manner:

(1) Combine into one total the net pool obligations of all handlers;

(2) Subtract the total of payments required to be made for such month by § 927.7 (e) and the total of payments claimed pursuant to § 927.7 (f);

(3) Add the amount of unreserved cash in the producer-settlement fund;

(4) Divide the result by the total quantity of net pooled milk of all handlers whose reports are included in this computation; and

(5) Subtract not less than 4 cents nor more than 5 cents to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants in the 201-210 mile zone.*

§ 927.7 *Payments to producers—(a) Time of payment.* On or before the 25th day of each month each handler which is not a cooperative association of producers shall make payment to each producer for all milk delivered by such producer during the preceding month at not less than the uniform price, subject to differentials set forth in paragraphs (b), (c), and (d) of this section: *Provided*, That this provision shall not apply to that percentage of the milk received from any producer at any plant which is equal to the percentage which the outside Class I milk at such plant is of the total milk received from producers at such plant.

(b) *Transportation and location differentials.* The uniform price at any plant shall be—

(1) Plus or minus the differential shown in column B of the schedule contained in § 927.4 (c) for the zone of the plant in effect pursuant to § 927.4 (c);

(2) Plus the differentials, if any, applicable pursuant to § 927.6 (a) (8) plus 5 cents.

(c) *Butterfat differential.* The uniform price shall be plus or minus, as the

case may be, 4 cents per hundredweight for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month.

(d) *Grade A premiums.* In addition to the uniform price and all other payments required pursuant to this section, each handler shall pay for milk which is qualified under the New York City Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified, so long as such requirements are in effect as a separate grade, an amount per hundredweight equivalent to the following differentials on that Class I milk which such handler sold in the marketing area as Grade A milk:

Butterfat content (percent)	Bacteria colonies per cc.		
	10,000 or less	10,000 to 25,000	Over 25,000
3.7.....	Cents per cut. 60	Cents per cut. 42	Cents per cut. 5
3.8.....	66	48	7½
3.9.....	72	54	10
4.0 and above.....	78	60	12

(e) *Payments to cooperative associations.* Any cooperative association of producers may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this paragraph by reason of its having and exercising full authority in the sale of the milk of its members, using its best efforts to supply, in times of short supply, Class I milk to the marketing area and to secure utilization of milk, in times of long supply, in a manner to assure the greatest possible returns to all producers, and having its entire activities under the control of its members. After such determination, the cooperative association of producers shall be entitled to continue to receive such payment until it has been disqualified by the Secretary, after hearing, for failure to exercise the authority and to perform the functions upon which such determination was based.

The market administrator shall make the payments authorized by this paragraph, or issue credit therefor, out of the producer-settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based. Such payments shall be made to each cooperative association of producers under the following conditions and at the following rates:

(1) One cent per hundredweight of net pooled milk at any handler's plant which was caused to be delivered from its members by such associations and on which such handler has made the reports and payments required by this order;

(2) Except as set forth in subparagraph (3) of this paragraph, 2½ cents per hundredweight of net pooled milk at plants of other handlers which was re-

ported and collected for by such association; and

(3) Five cents per hundredweight of net pooled milk at plants operated by such association and, if, in addition to the other qualifications, such association has been determined by the Secretary to have sufficient plant capacity to receive all the milk of producers who are members and to be willing and able to receive milk from producers not members, 5 cents per hundredweight of any net pooled milk which was caused by it to be delivered to any other handler and which is reported and collected for by such association.

(f) *Market service payments.* Any handler may make claim, on forms supplied by the market administrator, for payments out of the producer-settlement fund under the conditions set forth in this paragraph with respect to milk received from producers at a plant equipped only for the receiving and shipping of milk to the marketing area which was moved to a second plant outside of the marketing area and there separated into cream and skim milk or manufactured. The market administrator shall, after preliminary audit of such claim to check the actual movement of the milk and the proper classification thereof, make payment to such handler, subject to final audit, out of the producer-settlement fund, or issue credit against balances due by such handler to the producer-settlement fund, at the following rates and under the following conditions:

(1) Payments may be made only on milk properly classified pursuant to § 927.3—

(i) In Class IV-B during the months of May, June, July, and August;

(ii) In Class IV-A during the months of January, February, March, April, September, and October; and

(iii) In Classes II-A, II-B, II-C, III-A, III-B, III-C, and III-D during any month of the year.

(2) No claim shall be allowed if the milk on which the claim is made is manufactured at a second plant operated by the same handler from which, within 24 hours prior to, or 48 hours after, the calendar day during which such milk was received at the second plant, Class I milk was shipped to the marketing area.

(3) Claims shall be paid at a rate for handling through the receiving plant of 23 cents per hundredweight, or 13 cents, in the case of Class IV-B milk, plus a hauling allowance at the rate of ¼ cent per hundredweight per mile for 20 miles and ⅓ cent per hundredweight per additional mile for the shortest highway distance between the two plants: *Provided, however*, That no claim for a hauling allowance shall be paid for a haul greater than 65 miles nor less than one-half mile.

(4) The market administrator shall determine, in the manner prescribed by

§ 927.4 (c), a freight zone for each plant on movement of milk to which claim is made by a handler. If the zone of the plant, on movement of milk to which claim is made, is nearer to or farther from New York City than the zone of the plant from which the movement was made, the rate of the claim otherwise payable shall be reduced or increased, as the case may be, by the difference between the price applicable to the class at the first plant and the price which would be applicable at the second plant if the milk had been received there from producers.

(g) *Storage cream payments.* With respect to butterfat in frozen cream held in one or more licensed cold storage warehouses for more than 28 days under the conditions set forth in § 927.3 (b) (6), the handler whose net pool obligation included such butterfat as Class III-B milk may make claim, on forms supplied by the market administrator, for payments out of the producer-settlement fund, if such butterfat was used in the manufacture of products specified in the table below. The market administrator shall, after investigation and audit of such claim, make payment to such handler out of the producer-settlement fund, or issue credit against balances due from such handler to the producer-settlement fund, at the following rates:

Product made	Month in which the milk was classified as Class III-B		
	March through July	August through October	November through February
Ice cream sold and remaining outside of New York City.....	Cents per pound 5.5	Cents per pound 8.3	Cents per pound 11.1
Cream cheese.....	6.4	9.3	12.1
Butter.....	8.6	11.4	14.2

(h) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (i) and (k) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f), (g), and (k) of this section, and to cooperative associations of producers pursuant to paragraph (e) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying such handler's net pooled milk by the uniform price and shall enter such amount on each handler's account as such handler's pool debit or pool credit, as the case may be,

and render such handler a transcript of his account.

(i) *Payments to the producer-settlement fund.* On or before the 18th day of each month, each handler shall make full payment of any pool debit balance shown on the account rendered, pursuant to paragraph (h) of this section, for the preceding month.

(j) *Payments out of producer-settlement fund.* On or before the 20th day of each month the market administrator shall remit to each handler the pool credit of such handler, if any, for the preceding month less any unpaid obligations. If, at such time, the balance in the producer-settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments made to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received the balance of such reduced payment from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(k) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount, and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment next following such disclosure.*

§ 927.8 *Expense of administration.* (a) *Payment by handlers.* As his pro rata share of the expense of administration hereof, each handler shall, on or before the 20th day of each month, pay to the market administrator a sum not exceeding 2 cents per hundredweight on the total quantity of milk which was received from producers at plants operated by such handler, directly or at the instance of a cooperative association of producers, and which was utilized in Classes I, II-A, and II-B, the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar pay-

ment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, with respect to the marketing area.*

§ 927.9 *Suspension, termination, and liquidation.*—(a) *Continuing obligation of handlers.* Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any or all of the provisions hereof, such amendment, termination, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any provision of this order; release or waive any violation of this order occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

(b) *Continuing power and duty of market administrator.* The market administrator shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant hereto.

(c) *Liquidation.* Upon the termination or suspension hereof, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses, pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office, shall be distributed by the market administrator to handlers in an equitable manner.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture of the United States, have executed, in duplicate, and issued this order, as amended, to become effective at such time as I may subsequently declare, and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 30th day of March, 1940.

[SEAL]

H. A. WALLACE,
Secretary.

[F. R. Doc. 40-1319; Filed, April 1, 1940; 10:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 35—PAYMENT OF BILLS AND ACCOUNTS

PAYMENTS UNDER CONTRACT, FORMAL AND INFORMAL¹

§ 35.8 Adjustments

(b) Transportation costs

(2) *Adjustments by General Accounting Office.* Where contractors are permitted to make shipments of supplies from points other than those named in the contract, which contract, in pursuance of advertisement for bids to that effect, permits such procedure and provides an apportionment feature for excess transportation costs, and the contractor is not willing to allow deductions for freight charges from the actual shipping point to destination, or claims an additional amount on account of paying freight or other delivery charges that should have been borne by the Government, disbursing officers will submit vouchers in question to the General Accounting Office for direct settlement. See 8 Comp. Gen. 500.

(f) Delay in performance

(2) *When damages provided for in contract*

(ii) *Discounts and price changes.* Where a contract contains a liquidated damage clause based on the contract price, but not to exceed a stated percentage of the stipulated value of the articles or materials not delivered, and also an offer of discount for prompt payment, liquidated damages for delayed performance should be deducted on the basis of the gross contract price, irrespective of discount which likewise is to be computed on the gross contract price, irrespective of liquidated damages.

Where a contract originally specifying a delivered price, subsequently modified for acceptance f. o. b. contractor's works at a reduced price because of delivery by Government bill of lading, contains a liquidated damage clause based on the contract price, but not to exceed a stated percentage of the stipulated value of the articles or materials not delivered, and also an offer of discount for prompt payment, liquidated damages and discount should be computed on the basis of the reduced contract price, and without regard to each other; that is, each on the basis of the gross new contract price.

Where a contract containing a liquidated damage clause based on the contract price, but not to exceed a stated percentage of the stipulated value of the articles or materials not delivered, contains also guarantees by the contractor

that the equipment will be in accordance with the specifications, and provisions for either rejection, acceptance at a price reduction, or deduction of a specified amount, as a penalty, for overweight, liquidated damage assessments for delayed performance should be computed on the new contract price where price reduction is made because of the overweight, but, where a penalty is assessed for the overweight, and no new contract price is effected thereby, liquidated damages and discount should be computed on the basis of original contract price. 18 Comp. Gen. 784.

(iii) *Progress payments.* Partial payments, as distinguished from final payment, may be made on periodical progress reports without deduction of liquidated damages for time intervening between the effective date of an order for suspension of work and the effective date of an order to resume work, or delivery of supplies. See 8 Comp. Gen. 80 and section 81.19. (R.S. 161; 5 U.S.C. 22) [Pars. 6b (2), f (2) (b), and (c), A.R. 35-6040, Mar. 15, 1939, as amended by Cir. 31, W.D., 1940]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-1306; Filed, March 29, 1940;
2:59 p. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES¹

PART 83—SALE OF SURPLUS OR UNSERVICEABLE PROPERTY

§ 83.5 *Circular advertisements and proposals—(a) Deposit to guarantee fulfillment.* Circular advertisements and proposals will specify that at least 20 per cent of the entire amount of the bid, in the form of a certified check drawn in favor of the Treasurer of the United States, bond or legal tender, will accompany the bid as a guaranty of fulfillment. (R.S. 161; 5 U.S.C. 22) [Par. 22a, A.R. 30-2145, Apr. 28, 1931, as amended by Cir. 32, W.D., 1940]

§ 83.10 *Amount due United States to be paid before shipment.* No property sold will be delivered or shipped to the buyer until the amount due the United States therefor has been paid. Payment will be made only in cash, or by certified check, bank draft, postal money order, or irrevocable letter of credit drawn in favor of the Treasurer of the United States. Drafts or checks of any kind drawn under a letter of credit will be made payable to the Treasurer of the United States. See paragraph 2a (2) (a), A.R. 35-780. (R.S. 161; 5 U.S.C. 22) [Par. 29, A.R. 30-2145, Apr. 28, 1931, as amended by Cir. 32, W.D., 1940]

¹ Sections 83.5, 83.10, and 84.4 are amended.

PART 84—LOANS OR TRANSFERS OF EQUIPMENT

§ 84.4 *Applications.* (a) Applications for loan or sale of rifles and accessories must have the approval of the State commander or other proper authority, in order to insure that the particular post or camp is a bona fide organization as contemplated by law, and should be forwarded to the corps area commander under whose territorial jurisdiction the post or camp is located. Applications for the purchase of blank ammunition should likewise be forwarded to the appropriate corps area commander who, if the request appears to be excessive, will refer the application to the State commander of the post or camp for approval.

(b) Each application should be accompanied by certified check or money order, drawn in favor of the Treasurer of the United States, covering the price of the property in the case of sales of rifles and accessories, the cost thereof in the case of sales of blank ammunition, and the cost of packing and transportation in all cases.

(c) Prices and cost referred to in these regulations will be furnished by the corps area ordnance officer upon request. Applications should state clearly the city and street address of the post or camp, the nearest railroad station, and whether the shipment is to be made by freight or express. (41 Stat. 403, 976; 50 U.S.C. 62) [Par. 7, A.R. 35-6590, Feb. 20, 1931, as amended by Cir. 32, W.D., 1940]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-1307; Filed, March 29, 1940;
2:59 p. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 355]

PART 403—PROPERTY MANAGEMENT DIVISION

LIMITATIONS ON BROKER'S AUTHORITY TO INCUR CHARGES—AMENDMENT

Section 403.14-2 is amended by changing the sixth sentence thereof to read as follows:

"However, in each such case where the cost of such emergency repairs exceeds \$25.00 on any property containing not more than one unit, or \$50.00 on any property containing more than one unit, the Contract Broker shall submit promptly to the State Manager a detailed explanation of the necessity for such expenditure."

(Effective date April 15, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat.

¹ Section 35.8 (4 F.R. 1597) is amended.

129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-1304; Filed, March 29, 1940;
12:48 p. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

UMATILLA RESERVATION, OREGON

ORDER OF RESTORATION

MARCH 20, 1940.

Whereas, Pursuant to the Act of March 3, 1885 (23 Stat. 340-342), the Indians of the Umatilla Reservation in Oregon, ceded to the United States certain lands of their Reservation, which were subsequently classified, appraised, and opened to public settlement, and

Whereas, There are now remaining undisposed of lands in Township 1 North, Ranges 34 and 35 East; Township 2 North, Range 32 East; Township 1 South, Ranges 34 and 35 East; and Township 2 South, Range 33 East, W. M., Oregon, within the ceded portion of their Reservation, embracing approximately 3,700 acres which, if restored to tribal ownership, would be utilized for grazing purposes, and for exchange with individual land owners so as to consolidate the Indian holdings on the Reservation, and

Whereas, by relinquishment and cancellation of homestead entries within this area a limited additional acreage of land of similar character may later be included within this class of undisposed of ceded land, and

Whereas, The Indians of the Umatilla Reservation and the Superintendent of that jurisdiction, and the Commissioner of Indian Affairs have recommended the restoration to tribal ownership of all the undisposed of surplus lands of the said Reservation,

Now, Therefore, by virtue of the authority vested in the Secretary of the Interior by the Act of August 10, 1939 (Public No. 375—76th Congress), all lands which are now, or may hereafter be classified as undisposed of surplus opened or ceded lands of the Umatilla Indian Reservation, Oregon, are hereby restored to tribal ownership for the use and benefit of the Indians of the Umatilla Reservation, and are added to and made a part of the Umatilla Indian Reservation, subject to any existing valid rights.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 40-1308; Filed, March 30, 1940;
9:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER III—PUBLIC DEBT SERVICE

PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B (THIRD CALL)

[1940—Department Circular 633]

MARCH 26, 1940.

To holders of 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series B:

I. Notice of third call for partial redemption, before maturity, of 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series B. The Federal Housing Administrator, with the approval of the Secretary of the Treasury, has issued the following notice of call for partial redemption and offer to purchase with respect to 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B:

"Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1940, on which date interest on such debentures shall cease:

Denomination:	Serial numbers (all numbers inclusive)
\$50.....	248 to 426.
\$100.....	774 to 1,460.
\$500.....	477 to 751.
\$1,000.....	1,043 to 1,914.
\$5,000.....	65 to 115.
\$10,000.....	9 to 13.

"The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal Housing Administrator, with the approval of the Secretary of the Treasury.

"No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1940. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1940, and provision will be made for the payment of final interest due July 1, 1940, with the principal thereof to the actual owner, as shown by the assignments thereon.

"The Federal Housing Administrator hereby offers to purchase any debentures included in this call at any time from April 1 to June 30, 1940, inclusive, at par and accrued interest, to date of purchase.

"Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1940, or for purchase

prior to that date will be given by the Secretary of the Treasury."

II. Transactions in third-called debentures. 1. The debentures included in the foregoing notice of call for partial redemption on July 1, 1940, are hereby designated *third-called* 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, and are hereinafter referred to as *third-called* debentures.

2. Transfers and denominational exchanges in *third-called* debentures will terminate at the close of business on March 31, 1940.

III. Redemption or purchase. 1. Holders of *third-called* debentures will be entitled to have such debentures redeemed and paid at par on July 1, 1940, with interest in full to that date, at the rate of \$13.75 per \$1,000. Interest on *third-called* debentures will cease on July 1, 1940.

2. Holders of *third-called* debentures have the privilege of presenting such debentures at any time from April 1 to June 30, 1940, inclusive, for purchase at par and accrued interest, at the rate of \$.075549 per \$1,000 per day from January 1, 1940, to date of purchase.

IV. Rules and regulations governing redemption and purchase. 1. The United States Treasury Department is the agent of the Federal Housing Administrator for the redemption and purchase of *third-called* debentures. In accordance with regulations adopted by the Federal Housing Administrator and approved by the Secretary of the Treasury, the assignment, redemption, and purchase of *third-called* debentures will be governed by the general regulations of the Treasury Department with respect to United States bonds and notes, so far as applicable, except as otherwise provided herein.

2. *Third-called* debentures presented for redemption on July 1, 1940, or for purchase from April 1 to June 30, 1940, inclusive, must be assigned by the registered payee or assignee thereof or by their duly constituted representatives in the form indicated in paragraph 3 hereof, and should thereafter be presented and surrendered to any Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., accompanied by appropriate written advice. (Use Form P. D. 641.) The debentures must be delivered at the expense and risk of the holders. (See paragraph 8 of this section.) In all cases checks in payment of principal and final interest will be mailed to the address given in the form of advice accompanying the debentures when surrendered.

3. If the registered payee or an assignee holding under proper assignment from the registered payee desires that payment be made to him, the debentures should be assigned by such payee or assignee or by a duly constituted repre-

¹ Filed as a part of the original document.

sentative to "The Federal Housing Administrator for redemption" or to "The Federal Housing Administrator for purchase", according to whether the debentures are to be presented for redemption on July 1, 1940, or for purchase prior to that date. If it is desired for any reason that payment be made to some other person without intermediate assignment, the debentures should be assigned to "The Federal Housing Administrator for redemption (or purchase) for the account of -----," inserting the name and address of the person to whom payment is to be made.

4. An assignment in blank or other assignment having similar effect will be recognized, but in that event payment will be made to the person surrendering the debenture for redemption or purchase since, under such an assignment the debenture becomes in effect payable to bearer. Assignments in blank or assignments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.

5. Final interest on any *third-called* debentures, whether purchased prior to, or redeemed on or after July 1, 1940, will be paid with the principal in accordance with the assignments on the debentures surrendered.

6. All assignments must be made on the debentures themselves unless otherwise directed by the Treasury Department. Detached assignments will be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debenture is considered a detached assignment.

7. A *third-called* debenture registered in the name of, or assigned to, a corporation, will be paid to such corporation on or after July 1, 1940, upon an appropriate assignment for that purpose executed on behalf of the corporation by a duly authorized officer thereof. An assignment so executed and duly attested in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases coming under this provision payment will be made only by check drawn to the order of the corporation. Proof of the authority of the officer assigning on behalf of a corporation will be required, in accordance with the general regulations of the Treasury Department, in the case of assignments for purchase prior to July 1, 1940, and in case of assignments for redemption on or after July 1, 1940, for the account of any person other than the corporation.

8. Debentures presented for redemption or purchase under this circular must be delivered to a Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered

mail, but debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express prepaid.

9. In order to facilitate the redemption of *third-called* debentures on July 1, 1940, any such debenture may be presented and surrendered in the manner herein prescribed in advance of that date but not before June 1, 1940. Such early presentation by holders will insure prompt payment of principal and interest when due.

V. *General provisions.* 1. Any further information which may be desired regarding the redemption of *third-called* debentures under this circular may be obtained from any Federal Reserve bank or from the Division of Loans and Currency, Treasury Department, Washington, D. C., where copies of the Treasury Department's regulations governing assignments may be obtained.

2. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the registered owners of *third-called* debentures.

[SEAL]

D. W. BELL,

Acting Secretary of the Treasury.

[F. R. Doc. 40-1312; Filed, March 30, 1940; 10:38 a. m.]

[1940—Amendment 1 to Department Circular 596]

UNITED STATES SAVINGS BONDS, SERIES D

MARCH 27, 1940.

1. On and after April 1, 1940, the registration of United States Savings Bonds of Series D sold pursuant to Department Circular No. 596,¹ dated December 15, 1938, as hereby amended, will be restricted to natural persons (individuals) in their own right,² who are residents of the Continental United States, the Territories and Insular Possessions of the United States, the Canal Zone, the Philippine Islands, or citizens of the United States temporarily residing abroad.³

2. Paragraph 7 of Department Circular No. 596, dated December 15, 1938 (§ 314.107 of Sub-title B of Title 31, Code of Federal Regulations, Supp. I), is hereby amended to read as follows, the amended paragraph to apply only to Savings Bonds of Series D registered in the names of natural persons (individuals) in their own right, in author-

¹ 3 F.R. 3135.

² See amended paragraph 8 for authorized forms of registration.

³ See amended paragraph 9 for delivery and safekeeping of bonds.

ized forms of registration, and bearing as issue dates January 1, 1940, or subsequent dates:

LIMITATION ON HOLDINGS

7. Section 22 of the Second Liberty Bond Act, as amended, provides that it shall not be lawful for any one person at any one time to hold Savings Bonds issued during any one calendar year in an aggregate amount exceeding \$10,000 (maturity value). In determining whether this limitation is exceeded at any time by any one person, there must be taken into account the aggregate maturity value of all Savings Bonds issued during any one calendar year including (1) bonds registered in the name of that person, (2) those registered in his name with another named as coowner, and (3) those of which he has become the owner on the death of another or the happening of any other event. Bonds of which such person is merely the designated beneficiary in case of the death of the owner need not be included. Any one person may hold up to \$10,000 (maturity value) of Savings Bonds issued during any one calendar year and up to an additional \$10,000 (maturity value) issued during each or any other calendar year (January 1 to December 31), so long as these bonds are offered for sale. If any person at any time acquires an aggregate present interest in Savings Bonds issued during any one calendar year in an amount exceeding \$10,000 (maturity value) he should immediately surrender the excess, which will be redeemed at the redemption value current on the date the excess arose, but at no higher value.

3. Paragraphs 8 and 9 of Department Circular No. 596, dated December 15, 1938 (§§ 314.108 and 314.109 of Sub-title B of Title 31, Code of Federal Regulations, Supp. I), are hereby amended to read as follows, the amended paragraphs to apply only to Savings Bonds of Series D bearing as issue dates April 1, 1940, or subsequent dates:

AUTHORIZED FORMS OF REGISTRATION

8. United States Savings Bonds may be registered in the names of persons (that is, individuals) whether adults or minors, in their own right, as follows: (a) in the name of one person, (b) in the names of two (but not more than two) persons as coowners, and (c) in the name of one person payable on death to one (but not more than one) designated person. Full information as to the authorized forms of registration for United States Savings Bonds will be found in the regulations prescribed from time to time by the Secretary of the Treasury (see paragraph 14, as amended or supplemented). These regulations may be seen at any post office and may be obtained from the Treasury Department, Division of Loans and Currency, Washington, D. C., or from any Federal Reserve Bank.

DELIVERY AND SAFEKEEPING OF BONDS

9. Postmasters and other agents from whom Savings Bonds may be purchased are authorized to deliver such bonds duly inscribed and dated upon receipt of the issue price. Savings Bonds issued against mail order application will be delivered by registered mail within the Continental United States, the Territories and Insular Possessions of the United States, the Canal Zone and the Philippine Islands. No deliveries abroad will be made. If purchased by citizens of the United States temporarily residing abroad, bonds issued will be delivered in the United States, or held in safekeeping, as the purchaser may direct. Delivery should not be accepted by any purchaser until he has verified that the correct name and address are duly inscribed on the face of the bond, that the bond is duly dated as of the first day of the month in which payment of the issue price was received by the agent, that the maturity or due date (10 years after the issue date) is entered thereon, and that the dating stamp (with current date) of the postmaster or other issuing agent is imprinted in the circle in the lower left corner of the bond.

4. The last sentence of paragraph 11 (c) is amended to make reference to Section VII, paragraph 3, of Treasury Department Circular No. 530, Third Revision, dated March 27, 1940.

5. Paragraphs 14 and 17 of Department Circular No. 596, dated December 15, 1938 (§§ 314.114 and 314.117 of Sub-title B of Title 31, Code of Federal Regulations, Supp. I), are hereby amended to read as follows:

GENERAL PROVISIONS

14. All Savings Bonds issued pursuant to this circular shall be subject to regulations prescribed from time to time by the Secretary of the Treasury. Such regulations may require, among other things, reasonable notice in case of presentation of Savings Bonds for redemption prior to maturity. The present regulations governing Savings Bonds of Series D are contained in Treasury Department Circular No. 530, Third Revision, dated March 27, 1940. The Secretary of the Treasury reserves the right to reject any application for Savings Bonds, in whole or in part, and his action in any such respect shall be final.

17. The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, information as to which will be promptly furnished to the Postmaster General and other agents acting as fiscal agents of the United States in connection with Savings Bonds.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. D. Doc. 40-1313; Filed, March 30, 1940; 10:38 a. m.]

[1940—Department Circular 530, 3d Revision]

REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

MARCH 27, 1940.

To Owners of United States Savings Bonds, and Others Concerned:

Department Circular No. 530, Second Revision,¹ dated December 15, 1938 (Part 315 of Sub-title B of Title 31, Code of Federal Regulations, Supp. I), as amended, is hereby further amended and issued as a Third Revision, effective April 1, 1940, to read as follows:

The following regulations governing United States Savings Bonds are published for the information and guidance of all concerned:

I—APPLICABILITY

1. *Applicability of these regulations.* These regulations apply generally to all United States Savings Bonds bearing any issue date whatever: *Provided, however,* That the provisions hereof applicable to bonds registered in any one of the forms set forth in Section II A are limited to bonds bearing issue dates prior to April 1, 1940, and to authorized reissues thereof, in whole or in part.

II—REGISTRATION

1. *General.* United States Savings Bonds will be issued only in registered form. Registration of Savings Bonds sold on and after the effective date of these regulations will be restricted to natural persons (individuals) in their own right, in substantially one of the forms of registration listed in paragraph 2 of this section, who are residents of the Continental United States, the Territories and Insular Possessions of the United States, the Canal Zone, and the Philippine Islands, or citizens of the United States temporarily residing abroad. The name and complete post-office address of the owner or coowners and the designated beneficiary, if any, and the date as of which the bond is issued and on which it will mature will be inscribed thereon at the time of issue by an authorized issuing agent.² The form of registration used must express the actual ownership of and interest in the bond and, except as otherwise specifically provided in these regulations, the Treasury Department will treat as conclusive the ownership of and interest in the bond expressed in the registration. No designation of an attorney, agent, or other representative to request or receive payment on behalf of the owner or other person named in the registration, nor any restriction on the right of such owner or other person to receive payment of the bond other than as provided

¹ 3 F.R. 3128.

² The date of maturity is not inscribed on Savings Bonds of Series C, issued during the calendar years 1937 and 1938.

in these regulations, may be made in the registration.

2. *Forms of registration.* Registration of Savings Bonds is authorized only in the names of natural persons (that is, individuals), whether adults or minors, in their own right, as follows:

(a) In the name of one individual, for example, "John A. Jones."

(b) In the names of two (but not more than two) individuals in the alternative as coowners, for example, "John A. Jones OR Mrs. Ella S. Jones." No other form of registration establishing coownership is authorized.

(c) In the name of one individual as owner, payable on death to one (but not more than one) individual designated as beneficiary, for example, "John A. Jones, payable on death to Miss Mary E. Jones."

The full name of the owner, that of the beneficiary, if any, or those of the coowners should be given; except that if there are two given names an initial may be substituted for one. The name should be preceded by "Mrs." or "Miss" when appropriate and may be preceded by any applicable title such as "Dr.", "Capt.", etc. A married woman's own given name should be used, not that of her husband, for example, "Mrs. Mary A. Jones", not "Mrs. Frank B. Jones." The name of a minor for whose estate a guardian or other legal representative has been appointed by a court of competent jurisdiction should be followed by the words "a minor under legal guardianship". The name of an individual for whose estate a legal representative has been appointed for reasons other than minority should be followed by the words "an incompetent under legal guardianship."

II A—UNCURRENT REGISTRATION

1. The following forms of registration, heretofore authorized, are now applicable only to bonds bearing issue dates prior to April 1, 1940, and reissues thereof:

(a) *Executors, administrators, guardians, trustees, etc.* In the names of fiduciaries, as follows:

(1) In the name of one or more executors, administrators, guardians, or other legal representatives of a single estate, appointed by a court of competent jurisdiction or otherwise legally qualified, all of whose names must be included in the registration, followed by appropriate identifying reference to the estate, for example, "John A. Smith, executor of the will (or administrator of the estate) of Henry J. Smith, deceased", or "William C. Jones, guardian (or conservator, curator, committee, etc.) of the estate of James B. Brown, a minor (or an incompetent)." If a guardian or other legal representative holds a common fund for the account of two or more estates, bonds should be registered in the name of the representative for each such estate separately, even though the representative was appointed in a single proceeding.

Registration in the names of natural or voluntary guardians is not authorized.

(2) In the name of one or more trustees, or other fiduciaries of a single trust estate, followed by reference to the trust instrument, or other authority governing the trust, or by other words clearly identifying the trust, and the name of the persons or organizations who are beneficiaries under the trust, for example, "John C. Brown and the First National Bank of Boston, trustees under the will of Henry C. Brown, for the benefit of Mrs. Mary J. Brown," or "The Second National Bank of Salem, trustee under an agreement of trust executed by George E. White, dated February 1, 1935, for the benefit of Mrs. Mary B. White and Miss Ella May White." All beneficiaries of a trust having present interests therein should be named, if possible, except that if they are too numerous two or three of the principal beneficiaries should be named, followed by the words "et al." In any case the Treasury Department may require that the names of all beneficiaries having present interests and the extent of such interests should be furnished. Beneficiaries entitled as remaindermen may be indicated by the words "with remainder over to -----." If the identity of the beneficiaries cannot be presently ascertained, the class of persons to which they belong may be indicated, or, in the case of a charitable trust, the purpose or object of the trust may be expressed in the registration. This provision was in effect until January 23, 1940.

(3) In the name of one or more trustees, or other fiduciaries of a single duly constituted trust estate, considered as an entity. The names of all trustees or other fiduciaries must be included in the registration except as hereinafter provided, followed by appropriate identifying reference to the trust instrument or other authority governing the trust, for example, "John C. Brown and the First National Bank of Boston, trustees under paragraph 3 of the will of Henry C. Brown, deceased," or "The Second National Bank of Salem, trustee under an agreement with George E. White, dated February 1, 1935." This provision was in effect from January 23, 1940, to April 1, 1940.

In the case of unincorporated lodges, churches, societies, or similar organizations title to whose property is held by trustees, or in the case of public officers acting as trustees under a statute, registration may be in their titles, omitting their names, for example, "Trustees of the First Baptist Church, Akron, Ohio, an unincorporated association." In cases where the instrument or other authority governing the trust establishes a board of trustees acting as a board and not individually, registration may be in the name of the board as such, for example, "Board of Trustees of the Employees' Retirement System under agreement be-

tween the World Corporation and its employees, dated January 1, 1939", or "Board of Trustees of the Police Pension Fund of the City of Burlington, Iowa, under Sections 6310-11, Iowa Code." In any case the Treasury Department may require a copy of the trust instrument. Registration may not be made in the names of trustees under an agreement or other governing authority which purports to create a trust, where the funds used represent security for the proper performance of an obligation, except under a statute the terms of which expressly create an actual trust.

(b) *Private corporations and associations.* In the names of any private organization, whether incorporated or unincorporated, as follows:

(1) A private corporation, followed by the words "a corporation", for example, "Smith Manufacturing Company, a corporation."

(2) An unincorporated association, such as a lodge, church, or society, or similar body, followed by the words "an unincorporated association", for example, "The Lotus Club, an unincorporated association." The term "an unincorporated association" should not be used to designate a trust fund, a partnership, or a business conducted under a trade name but wholly owned by one person.

(3) A partnership, followed by the words "a partnership", for example, "Smith and Brown, a partnership."

The full legal name of the corporation, unincorporated association, or partnership, as the case may be, should be given in the registration. No officer or member of the organization may be named in the registration. Reference may be made, if desired, to a particular book-keeping fund or account (not a trust) for example, "Lafayette Post No. 1, The American Legion, an unincorporated association (Building Fund)."

(c) *States and public corporations.* In the name of the owner or custodian of public funds, other than trust funds, as follows:

(1) Any sovereignty, as a State, or any public corporation, as a county, city, town, village, or school district, for example, "County of Middlesex, Massachusetts", or "Town of Takoma Park, Maryland";

(2) Any duly constituted public board or commission, for example, "Maryland State Highway Commission";

(3) Any public officer, designated by title only, for example, "Treasurer, City of Boston."

The registration should include the full name of the sovereignty or public corporation, and may include reference to a particular account, if desired, for example, "Treasurer, School District No. 2 of Morris County, Kansas (Cafeteria Fund)."

III—LIMITATION ON TRANSFER

1. *Not transferable.* United States Savings Bonds are not transferable and are payable only to the owners named thereon except in the case of the disability or death of the owner or as otherwise specifically provided herein, but in any event only in accordance with the provisions hereof. Accordingly, Savings Bonds are not suitable for use as collateral for a loan, or to secure the performance of an obligation except as expressly provided in Section XVII hereof.

IV—LIMITATION ON HOLDINGS

1. *Amount which may be held.* Section 22 of the Second Liberty Bond Act, as amended, provides that it shall not be lawful for any one person at any one time to hold Savings Bonds issued during any one calendar year in an aggregate amount exceeding \$10,000 (maturity value). Any one person may hold up to \$10,000 (maturity value) of Savings Bonds issued during any one calendar year and up to an additional \$10,000 (maturity value) issued during each or any other calendar year (January 1 to December 31), so long as these bonds are offered for sale. In determining whether this limitation is exceeded at any time by any one person, there must be taken into account the aggregate maturity value of all Savings Bonds issued during any one calendar year, as shown by the issue dates thereon, including (a) bonds registered in the name of that person, (b) those registered in his name with another named as coowner, and (c) those of which he has become the owner on the death of another or the happening of any other event. Bonds of which such person is merely the designated beneficiary in case of the death of the owner need not be included.

2. *Bonds bearing issue dates prior to April 1, 1940.* For the purpose of determining the limitation on holdings of bonds bearing issue dates prior to April 1, 1940, the term "person" shall include, but not be limited to, an individual, a partnership, a corporation, an unincorporated association, or a trust estate: in calculating excess holdings of such bonds, those held by any person in a fiduciary capacity only, or those in which his interest is only that of a beneficiary of a trust, need not be included.

3. *Disposition of excess holdings.* If any person at any time acquires an aggregate present interest in Savings Bonds issued during any one calendar year in an amount exceeding \$10,000 (maturity value), he should immediately surrender the excess, which will be redeemed at the redemption value current on the date the excess arose, but at no higher value.

V—LOST, STOLEN, MUTILATED, DEFACED, OR DESTROYED BONDS

1. *Relief.* A substitute may be issued for, or payment made of, an unmatured

Savings Bond, and payment made of a matured Savings Bond, upon proof of the loss, theft, mutilation, defacement, or destruction of the bond. Relief will be granted in such cases only in accordance with the provisions of applicable statutes and will be governed in general by the regulations contained in Department Circular No. 300, as amended. Application for relief on account of loss, theft, or destruction should be made only on Form P. D. 1048, copies of which may be obtained from the Treasury Department, Division of Loans and Currency, or from any Federal Reserve bank. In cases of mutilation, defacement, or partial destruction Form P. D. 1028 should be used, and the bond or so much thereof as remains should be carefully packed and forwarded to the Treasury Department, Divisions of Loans and Currency, Washington, D. C.

2. *Notice of loss, etc.* The Treasury Department, Division of Loans and Currency, Washington, D. C., should be immediately notified of the loss, theft, or destruction of any Savings Bond, reference being made to the series, year of issue, date and serial number of the bond, and the name and address of the registered owner. If such bond is subsequently recovered immediate notice of recovery should be given to the Department in order that delay may be avoided should the recovered bond be presented for payment, and if a substitute bond has been issued in lieu thereof, the recovered bond should be surrendered immediately to the Department.

VI—SAFEKEEPING FACILITIES

1. A Savings Bond will be held in safekeeping without charge by the Secretary of the Treasury if the holder so desires, and in such connection the facilities of the Federal Reserve banks as fiscal agents of the United States will be utilized.² Postmasters will not act as safekeeping agents. Arrangements for safekeeping may be made at the time of purchase or subsequently, and postmasters, upon request, will furnish appropriate application blanks (Form P. D. 1423) and envelopes to be used in forwarding bonds for safekeeping. The forwarding will be at the risk of the owner and the use of registered mail is recommended (postage and registration fee to be paid by the sender). Savings Bonds purchased by mail upon application to the Treasurer of the United States or to any Federal Reserve bank may be placed in safekeeping when issued, subject to the provisions of the next succeeding paragraph.

2. Upon receipt of the Savings Bond the Federal Reserve bank will place it in safekeeping and issue a receipt, which, unless delivered in person, will be mailed to the depositor at the address given in the application. The Federal Reserve

bank will at any time deliver the bond to the owner or person entitled to possession thereof at his risk and expense upon his application and upon such identification through the return of the safekeeping receipt or otherwise, as may be required.

VII—GENERAL PAYMENT PROVISIONS

1. *General.* A Savings Bond will be paid at or after maturity at its full value, or, at the option of the owner, will be redeemed prior to maturity (but not within 60 days after the issue date) at the appropriate redemption value as shown on the face of each bond.⁴ In order to secure payment a request for payment must be properly executed and the bond must be presented and surrendered, as provided in the following paragraphs of this section; unless otherwise directed by the Treasury Department, the form of request appearing on the back of the bond should be used.

2. *Execution of request for payment.* (a) The registered owner in whose name the bond is inscribed, or such other person as may be entitled to payment under the provisions of these regulations, should go before one of the officers authorized by the Secretary of the Treasury to certify requests for payment (see par. 3 of this section), establish his identity, and in the presence of such officer sign the request for payment in ink or indelible pencil and add his current post-office address. A signature to a request for payment made by mark (X) must be witnessed by at least one person in addition to the certifying officer, and must be attested by an endorsement on the blank line substantially as follows: "Witness to the above signature by mark" followed by the signature and address of the witness.

(b) No request signed in behalf of the owner by an agent or a person acting under a power of attorney will be recognized by the Treasury Department except as specifically provided in Section XVII hereof. If the name of the registered owner or other person entitled to payment, as it appears in the registration or in evidence on file in the Treasury Department, Division of Loans and Currency, has been changed by marriage or in any other legal manner, the signature to the request for payment should show both names and the manner in which the change was made, for example, "Miss Mary T. Jones, now by marriage Mrs. Mary T. Smith", or "Jung Smelt, now by court order John Smith". In the case of a change of name other than by marriage, the request must be supported by satisfactory proof of such change unless the evidence is already on file. If the change was made by divorce or other court proceeding the proof may be in the form of a duly certified copy of the court's decree or a certificate by the clerk of the court, under court seal.

(c) After the request for payment has been signed by the owner, the certifying officer should complete and sign the certificate provided (see par. 4 of this section), and the bond should then be presented and surrendered as provided in paragraph 6 of this section.

(d) All signatures must be made in ink or indelible pencil.

3. *Certification of request for payment.* The request for payment must be signed in the presence of, and be certified by, one of the following officers, who are hereby authorized to certify requests for payment:

(a) *At United States post offices.* (1) At any post office of any class: The postmaster, acting postmaster, or inspector in charge; and in addition

(2) At any post office of the first class (main office): The assistant postmaster, superintendent of mails, the postal cashier, superintendent of money orders, money-order cashier, assistant cashier, bookkeeper, or foreman, or clerk temporarily in charge of the office; and

(3) At any post office of the second or third class: The assistant postmaster or, if there is none, the clerk temporarily in charge of the office in the absence of the postmaster; and

(4) At any classified branch or station: The superintendent, assistant superintendent, assistant cashier, bookkeeper, or foreman, or, in the absence of all such officials, the clerk temporarily in charge of the branch or station. (For instructions see par. 4 (a) and (b) of this section.)

(b) *At banks and trust companies and branches thereof.* (1) Any executive officer of any bank or trust company incorporated in the United States or its organized territories, including officers at domestic or foreign branches who are certified to the Treasury Department as executive officers;

(2) Executive officers of incorporated banks and trust companies in the organized territories and insular possessions of the United States and in the Commonwealth of the Philippines doing business under Federal Charter or organized under Federal law;

(3) Executive officers of Federal Reserve banks and branches thereof, including managing directors, assistant managers, cashiers and assistant cashiers; and Federal Reserve agents and assistant Federal Reserve agents;

(4) Executive officers of Federal Land banks;

(5) Executive officers of Federal Home Loan Banks.

(For instructions to such officers see par. 4 (a) and (c) of this section.)

(c) *United States officials.* Judges, clerks, and deputy clerks of United States courts, including United States courts for the organized territories, insular possessions, and the Canal Zone; United States attorneys; United States collectors of customs and their deputies; United States

² For a list of the Federal Reserve banks, see footnote 5.

⁴ For redemption of excess holdings, see Section IV, paragraph 3.

collectors of Internal Revenue and their deputies; commanding officers of the United States Army, Navy, Marine Corps, and Coast Guard, but only for members of their respective commands; the officer in charge of any home, hospital, or other facility of the Veterans Administration, but only for patients and members of such facilities.

(For instructions to such officers see par. 4 (a) of this section.)

(d) *Officers authorized in particular localities.* In addition to the officers listed above, the following officers are authorized to certify requests for payment of United States Savings Bonds in the localities specified:

(1) Washington, D. C.: Certain officers of the Treasury Department;

(2) Alaska: Governor, Treasurer, and United States Commissioners;

(3) Canal Zone: Governor, paymaster or acting paymaster, collector or acting collector, the Panama Canal, and also postmasters and acting postmasters in the Bureau of Posts;

(4) Commonwealth of the Philippines: The United States High Commissioner, his Administrative Assistant, and the Chief Clerk in his office; Treasurer of the Commonwealth and the city treasurers of Manila and Baguio; judges and clerks of courts of record whose signatures and official positions are certified by the Secretary of Justice;

(5) Guam and American Samoa: Governors, and naval and marine officers authorized to administer oaths for naval justice and administration;

(6) Hawaii: Governor and Treasurer;

(7) Puerto Rico: Governor and Treasurer;

(8) Virgin Islands: Governor and Commissioner of Finance.

(For instructions to such officers see par. 4 (a) of this section.)

(e) *In foreign countries.* In a foreign country requests for payment may be signed in the presence of and certified by any United States diplomatic or consular representative, or the manager (or other executive officer in charge) or the assistant manager of a foreign branch of a bank or trust company incorporated in the United States. If such an officer is not available, requests for payment may be signed in the presence of and certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction must be certified by a United States diplomatic or consular officer under the seal of his office.

(For instructions to such officers see par. 4 (a) of this section.)

(f) *Special provision.* In the event none of the officers authorized to certify requests for payment of Savings Bonds is readily accessible, the Commissioner of the Public Debt is authorized to make special provision for any particular case.

4. Instructions to certifying officers.

(a) *In general.* Certifying officers should require positive identification of the person executing the request for payment as the person whose name appears on the face of the bond as owner, or the person entitled to payment under the provisions of these regulations, and will be held fully responsible therefor. In all cases the certifying officer must affix to the request for payment his official signature, title, address and seal, and the date of execution. If the officer does not possess an official seal, that fact should be made known and attested. Special instructions to post-office officials and bank officials follow in subparagraphs (b) and (c), respectively.

(b) *Post-office officials.* If any designated post-office officials other than a postmaster, acting postmaster, or inspector in charge of an office certifies a request for payment, he should certify in the name of the postmaster, acting postmaster, or inspector in charge, followed by his own signature and official title, for example, "John Doe, postmaster, by Richard Roe, postal cashier". In the case of a clerk in charge of an office, branch, or station, the official title should be followed by the name of such office, branch, or station, for example, "John Doe, postmaster, by Richard Roe, clerk in charge, Main Street Station". The certification of any post-office official must be authenticated by a legible imprint of a dating stamp of his post office.

(c) *Bank officers.* (1) At the principal office of an incorporated bank or trust company, the signature of the certifying officer should be authenticated by a legible impression of the seal of the bank or trust company; (2) at a branch, if the corporate seal is not available, the signature of the certifying officer and his official title should be certified to the Treasury Department, Division of Loans and Currency, by the parent bank or trust company under its seal, unless such certificate is already on file in that division.

5. *Interested person not to certify.* No person authorized to certify requests for payment may certify a request for payment of a bond of which he is the owner, or in which he has an interest, either in his own right or in any representative capacity.

6. *Presentation and surrender.* After the request for payment has been duly executed by the owner and has been certified as above provided, the bond must be presented and surrendered as follows:

(a) If a bond is registered in the name of an individual in his own right or, as to bonds bearing issue dates prior to April 1, 1940, in the name of (1) a private organization in its own right, (2) a State, (3) a public corporation, (4) a public board or commission, or (5) a

public officer, and payment is to be made to the registered owner or coowner, the bond should be presented and surrendered to a Federal Reserve bank,⁵ or to the Treasurer of the United States, Washington, D. C.

(b) If a bond is registered in the name of a fiduciary (in the case of bonds bearing issue dates prior to April 1, 1940) or if payment is to be made to any person other than the registered owner or coowner, the bond should be presented and surrendered to the Treasury Department, Division of Loans and Currency, Washington, D. C., or to a Federal Reserve bank.

(c) In all cases presentation will be at the expense and risk of the owner, and, for his protection, the bonds should be forwarded by registered mail if not presented in person. Payment will be made by issuance of a check drawn to the order of the registered owner or other person entitled to payment and mailed to him at the address given in his request for payment.

7. *Partial redemption.* A Savings Bond in a denomination other than \$25 may be redeemed in part at the appropriate redemption value corresponding to any authorized denomination or denominations, upon presentation and surrender of the bond in accordance with the provisions of this section. In any such case before the request for payment is executed the first sentence of the request should be amended (with indelible pencil, pen and ink or typewriter) by adding in the blank space provided: "to the extent of the current redemption value of \$—— (maturity value)", inserting the proper maturity value. Upon payment of a Savings Bond in part, the remainder will be reissued, subject to the provisions of Section XVIII hereof.

VIII—MINORS

1. *Payment to legal guardians.* If the owner of a Savings Bond is a minor for whose estate a guardian or similar legal representative has been appointed by a court of competent jurisdiction or is otherwise legally qualified, and if the Treasury Department is properly advised of such fact, payment will be made only to such guardian, or similar legal representative. In any such case the request for payment appearing on the back of the bond should be signed by the guardian or similar representative as such, for example, "John A. Jones, guardian of the estate of Henry W. Smith, a minor." The request for payment must be supported by proof of the representative's authority. Such proof may consist of a court certificate or a

⁵ The Federal Reserve banks are located at Boston, Mass.; New York, N. Y.; Philadelphia, Pa.; Cleveland, Ohio; Richmond, Va.; Atlanta, Ga.; Chicago, Ill.; St. Louis, Mo.; Minneapolis, Minn.; Kansas City, Mo.; Dallas, Tex.; and San Francisco, Calif.

certified copy of the representative's letters of appointment, issued by the court having jurisdiction. The certificate, or the certification to the letters, must be under the seal of the court, must contain a statement that the appointment is in full force, and should be dated within 6 months of the date of presentation of the bond for payment. A request for payment before maturity executed on behalf of a corporate fiduciary must be authorized by a resolution of the governing body of the corporation or by a standing bylaw, a certified copy of which must be furnished the Treasury Department, Division of Loans and Currency, Washington, D. C., unless already on file.

2. *Payment to minors.* If the Treasury Department has not been properly advised that a guardian or similar legal representative of the estate of a minor owner of a Savings Bond has been appointed or is otherwise legally qualified, payment will be made direct to such minor owner, provided such minor is, at the time payment is requested, of sufficient competency and understanding to sign his name to the request and to comprehend the nature of such act. In general, the fact that the request for payment has been signed by the minor and duly certified in accordance with Section VII hereof will be accepted as sufficient proof of such competency and understanding. If such minor owner is not of sufficient competency and understanding to execute the request for payment, payment will be made to either parent of the minor with whom he resides, or if not residing with either parent, then to the person with whom he does reside. The parent or such other person should sign the request for payment in his own name, in behalf of the minor, and a certificate in substantially the following form should be typed or written on the back of the bond and signed by the person requesting payment:

I certify that I am the _____
(State relationship)
_____ of John C. Jones and the
person with whom he resides. He is _____
years of age and is not of sufficient competency and understanding to sign this request.

The Treasury Department may in any particular case require further proof that the minor is not of sufficient competency and understanding to execute the request for payment and of the right of the person executing the request to act in behalf of the minor.

IX—DISABILITY OTHER THAN MINORITY

1. *Payment to legal guardian.* If the owner of a Savings Bond has been judicially declared to be incompetent to manage his affairs and the Treasury Department has been properly advised that a guardian or similar legal representative of his estate has been appointed by a court of competent jurisdiction, payment will be made only to such guardian or similar legal representative. In this case the request for

payment should be signed: "Thomas S. Gray, guardian (curator, conservator, or committee, as the case may be) of the estate of Benjamin W. Smith, an incompetent." The request for payment must be supported by proof of the representative's authority. Such proof may consist of a court certificate or a certified copy of the representative's letters of appointment, issued by the court having jurisdiction. The certificate, or the certification to the letters, must be under the seal of the court, must contain a statement that the appointment is in full force, and should be dated within 6 months of the date of presentation of the bond for payment. A request for payment before maturity executed on behalf of a corporate fiduciary must be authorized by a resolution of the governing body of the corporation or by a standing bylaw, a certified copy of which must be furnished the Treasury Department, Division of Loans and Currency, Washington, D. C., unless already on file.

2. *Payment to voluntary guardian.* In any case where the owner of a Savings Bond has been judicially declared incompetent, or his incompetency, in the opinion of the Secretary of the Treasury, is otherwise established and no guardian or other legal representative of his estate has been appointed or is otherwise legally qualified, and the entire gross value of his personal estate does not exceed \$500, payment will be made to a member of his family standing in the position of voluntary guardian, upon presentation of proof satisfactory to the Secretary of the Treasury that the proceeds of the bond are required, and are to be used, for the purchase of necessities for the incompetent or for his wife or minor children or other persons dependent upon him for support. Form P. D. 1461, copies of which may be obtained from the Treasury Department, Division of Loans and Currency, Washington, D. C., or any Federal Reserve bank, should be used in making application. The request for payment should not be executed, nor the bond presented, until the application has been approved and instructions have been given by the Treasury Department.

X. COOWNERS

1. *Payment or reissue.* A Savings Bond registered in the names of two persons as coowners, for example, "John A. Jones OR Mrs. Mary C. Jones", will be paid or reissued as follows:

(a) The bond will be paid (but not reissued) to either coowner, until the Treasury Department has received notice of his death, upon his individual request without requiring the signature of the other coowner on the bond; and upon payment to either coowner the other person shall cease to have any interest in the bond. If the request is signed by both coowners, and duly certified, payment will be made by check drawn to the order

of both, in the form, for example, "John A. Jones and Mrs. Mary C. Jones."

(b) After the Treasury Department has received notice of the death of one coowner who had not requested payment and presented the bond for payment to a Federal Reserve bank or the Treasury Department prior to his death, a bond so registered will be paid only to the surviving coowner upon his request. If a coowner dies after he has properly executed the request for payment and after the bond has actually been received for payment by a Federal Reserve bank or the Treasury Department, payment of the bond or check, if one has been issued, will be made to the estate of such deceased coowner. (See Section XV for the person entitled in such case.) Upon proof of the death of one coowner and appropriate request by the surviving coowner, the bond will be reissued in the name of such survivor alone, or in his name payable on death to a designated beneficiary. (See Sections XI-5 and XVIII.)

(c) After the death of both coowners, a bond so registered will be paid or reissued as though it had been registered in the name of the last deceased coowner alone. (See Section XV.)

XI—BENEFICIARIES

1. *Payment to registered owner.* A Savings Bond registered in the name of one person, payable on death to another person, for example, "Henry W. Ash, payable on death to John C. Black", will be paid to the registered owner during his lifetime upon his properly executed request without regard to the designated beneficiary. If the registered owner dies after he has properly executed the request for payment and after the bond has actually been received for payment by a Federal Reserve bank or the Treasury Department, payment of the bond or check, if one has been issued, will be made to the estate of such deceased registered owner. (See Section XV for the person entitled in such case.) If the beneficiary should predecease the registered owner the bond will be paid as though no beneficiary had been named in the registration.

2. *Reissue during life of registered owner.* A Savings Bond registered in the name of one person payable on death to a designated beneficiary may not be reissued during the life of such beneficiary so as to eliminate his name. If such beneficiary should predecease the registered owner, the bond may, upon appropriate request by the registered owner, and proof of the death of the beneficiary, be reissued in the name of the registered owner alone, or in his name payable on death to a new beneficiary.

3. *Payment or reissue to beneficiary.* Upon proof of the death of the registered owner and proof of the survivorship of the beneficiary, the bond will be paid only to the latter or may, upon appropriate request, be reissued in his

name alone or in his name payable on death to a single designated beneficiary.

4. *Payment or reissue after death of owner and later death of beneficiary.* Upon proof of the death of the registered owner and of the subsequent death of the beneficiary, the bond will be paid or may be reissued as though the beneficiary had been the registered owner. (See Section XV.)

5. *Reissue to add a beneficiary.* A Savings Bond registered in the name of one natural person (an individual) not under any legal disability, upon appropriate request by such person, may be reissued in whole or in part, in authorized denominations only, in his name payable on death to a single designated beneficiary.

XII—FIDUCIARIES

1. *Payment to fiduciary named on bond.* A Savings Bond registered in the name of a fiduciary will be paid to such fiduciary without proof of his authority upon presentation of the Savings Bond with the request for payment duly signed by him and certified in accordance with Section VII hereof. The request for payment should be signed by the fiduciary in exactly the same manner as his name and designation as fiduciary appear on the face of the Savings Bond.

2. *Corporate fiduciaries.* A request for payment before maturity executed on behalf of a corporate fiduciary must be authorized by a resolution of the governing body of the corporation or by a standing bylaw, a certified copy of which must be filed with the Treasury Department, Division of Loans and Currency, Washington, D. C., unless already on file.

3. *Payment or reissue to successors.* A Savings Bond registered in the name of a fiduciary who is no longer acting as such will be paid to, or reissued in the name of, a succeeding fiduciary, upon appropriate request and satisfactory proof of his successorship.

4. *Boards of trustees.* A savings Bond registered in the name of a board of trustees will be paid to such board upon a request for payment signed in the name of the board, executed by an officer or agent thereof authorized by resolution of the board, a certified copy of which must be filed with the Treasury Department, Division of Loans and Currency, Washington, D. C., unless already on file.

5. *Trustees of lodges, etc.* A Savings Bond registered in the titles, without the names, of trustees of an unincorporated lodge, church, society, or other similar organization will be paid to the trustees of such organization for the time being, upon appropriate request by them as such trustees, and satisfactory proof of their incumbency.

6. *Payment or reissue upon termination of trust.* A Savings Bond held by a fiduciary to which a beneficiary has become entitled, in whole or in part, under

the terms of the trust, will be paid to such beneficiary or reissued in his name, in authorized denominations only, to the extent of his interest, upon his proper request and certification by the fiduciary that such person is entitled to payment or reissue in his name and has agreed thereto: *Provided*, That a request for reissue in the name of a fiduciary individually must be supported by an order of court or other satisfactory proof that he is the person entitled, unless it is shown that at least one co-fiduciary joining in the request has no beneficial interest in the trust. If there is no fiduciary acting, such payment or reissue will be made upon the request of the persons beneficially entitled upon satisfactory proof of the facts.

7. *Payment or reissue upon termination of guardianship.* A Savings Bond registered in the name of a guardian or similar legal representative of the estate of a minor or incompetent will be paid to such representative upon his request supported by specific court order, or it will be reissued in the name of the ward upon the request of the representative, or will be paid to, or reissued in the name of, the ward upon his request, supported in either case by satisfactory proof that the former minor has attained his majority or that the former incompetent has been restored to competency. Certification by the representative that the former minor has attained his majority will ordinarily be accepted as sufficient.

XIII—PRIVATE CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, ETC.

1. *Payment to corporations or unincorporated associations.* A Savings Bond registered in the name of a private corporation or an unincorporated association will be paid upon a request for payment signed by a duly authorized officer thereof. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by William A. Smith, president", or "The Lotus Club, an unincorporated association, by John Jones, Treasurer." A request for payment so signed and duly certified in accordance with Section VII hereof will ordinarily be accepted without further proof of the officer's authority.

2. *Payment to partnerships.* A Savings Bond registered in the name of a partnership will be paid upon a request for payment signed by any general partner. The signature to the request should be in the form "Smith and Jones, a partnership, by John Jones, a general partner." A request for payment so signed and duly certified in accordance with Section VII hereof will ordinarily be accepted as sufficient proof that the person signing the request is a general partner.

3. *Successors to corporations or unincorporated associations.* A Savings Bond registered in the name of a private corporation or an unincorporated association which has been succeeded by operation of law by another corporation or

unincorporated association as the result of merger, consolidation, conversion, or reorganization, duly effected by authority of law, will be paid to, or reissued in the name of, the succeeding corporation or unincorporated association, upon proper request and satisfactory proof of successorship. This applies only to legal succession and not to a general assignment by one organization to another.

XIV—STATES, PUBLIC CORPORATIONS, AND PUBLIC BOARDS, COMMISSIONS AND OFFICERS

1. *In names of States, public corporations, and public boards.* A Savings Bond registered in the name of a State or of a county, city, town, village, or other public corporation, or in the name of a public board or commission, will be paid upon a request for payment signed in the name of such State, corporation, board, or commission by a duly authorized officer thereof. A request for payment so signed and duly certified in accordance with Section VII hereof will ordinarily be accepted without further proof of the officer's authority.

2. *In names of public officers.* A Savings Bond registered in the title, without the name, of an officer of a State or public corporation, such as a county, city, town, or village, will be paid upon a request for payment signed by the designated officer. The fact that the request for payment is signed and duly certified in accordance with Section VII hereof will ordinarily be accepted as sufficient proof that the person signing is the incumbent of the designated office.

XV—DECEASED OWNERS

1. *Payment or reissue on death of owner.* Upon the death of the owner of a Savings Bond, not survived by a co-owner or designated beneficiary, the bond may be paid or reissued (in authorized denominations only) as herein-after provided, either pursuant to proceedings in a court having jurisdiction of the estate or, in appropriate cases, without such proceedings, in the manner and under the conditions set forth in subparagraph (c) hereof. Copies of the forms referred to for use in such cases may be procured from any Federal Reserve bank or from the Treasury Department, Division of Loans and Currency, Washington, D. C.

(a) *In course of administration.* If the estate of the decedent is being administered in a court of competent jurisdiction, the bond will be paid, or reissued in authorized denominations, upon the request of the duly appointed and qualified representative of the estate. If payment is desired, the request for payment on the back of the bond should be executed. Payment will be made only to the representative. If reissue is desired, the representative should execute a request on Form P. D. 1455 and should certify thereon that the persons in whose names reissue is requested are entitled to the bond as heirs or legatees, to the ex-

tent specified with respect to each and that the heirs or legatees have agreed to such reissue. The request for payment or reissue should be signed in the form, for example, "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased." Reissue will be made in the name of the person entitled, payable on death to a designated beneficiary, upon appropriate request on Form P. D. 1077 by the person entitled, in addition to the request and certification by the representative on Form P. D. 1455. The request for payment or reissue must be supported by proof of the representative's authority. Such proof may consist of a court certificate or a certified copy of the representative's letters of appointment, issued by the court having jurisdiction. The certificate, or the certification to the letters, must be under the seal of the court, must contain a statement that the appointment is in full force, and should be dated within 6 months of the date of presentation of the bond for payment or reissue. If the representative is himself the person entitled and desires reissue in his own name a special order of court, showing that he is entitled to the bond in his own right, must be furnished. A request for payment before maturity executed on behalf of a corporate fiduciary must be authorized by a resolution of the governing body of the corporation or by a standing bylaw, a certified copy of which must be furnished the Treasury Department, Division of Loans and Currency, Washington, D. C., unless already on file.

(b) *After settlement through court proceedings.* If the estate of the decedent has been settled in a court of competent jurisdiction, the bond will be paid to, or reissued in authorized denominations in the name of, the person or persons entitled thereto as heirs or legatees, as shown by the final account, decree of distribution, or other court records, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons. The person or persons entitled should execute appropriate requests for payment or reissue, using Form P. D. 1459 for requesting reissue in the name of the person entitled alone, and Form P. D. 1077 for requesting reissue in the name of the person entitled, payable on death to a designated beneficiary. The request for payment or reissue, and the agreement, if required, must be supported by duly certified copies of the necessary court records.

(c) *Without administration.* If no legal representative of the decedent's estate has been or is to be appointed, and if it is established to the satisfaction of the Secretary of the Treasury either that the gross value of the personal estate does not exceed \$500 or that administration of the estate is not required in the State of the decedent's last domi-

cile, the bond will be paid to, or reissued in authorized denominations in the names of, the person or persons entitled thereto as heirs or legatees pursuant to an agreement of all persons entitled to any share in the estate, without requiring administration on the estate. The person or persons entitled should execute appropriate requests for payment or reissue, using Form P. D. 1459 for requesting reissue in the name of the person entitled alone, and Form P. D. 1077 for requesting reissue in the name of the person entitled, payable on death to a designated beneficiary. The request for payment or reissue must be supported by (1) affidavits by all persons entitled to any share in the estate, setting forth the facts in detail, and their agreement for the distribution of the bond, (2) proof that the debts of the decedent and of his estate have been paid or provided for, (3) affidavits of credibility by two disinterested persons having personal knowledge of the decedent and his family and (4) a death certificate or other proof of the death of the decedent. (Use Form P. D. 1646, copies of which may be procured from the Treasury Department, Division of Loans and Currency, Washington, D. C., or from any Federal Reserve bank.) No payment or reissue will be permitted without administration if any of the persons entitled are minors or incompetents, except to them or in their names, in whole or to the extent of their interests in the decedent's entire personal estate, or upon compliance with the provisions of sections VIII and IX hereof governing payment of Savings Bonds registered in the names of such persons.

2. *Forms of registration on reissue.* In no case will reissue as authorized in this section be made in the names of two persons as coowners, nor will bonds bearing as issue dates April 1, 1940, or a subsequent date be reissued except in the names of natural persons (that is, individuals) in their own right.

XVI—CREDITORS' RIGHTS AND JUDICIAL PROCEEDINGS

1. *Judicial proceedings.* A Savings Bond will be paid to, but not reissued in the name of, the person found entitled thereto through judicial proceedings, upon presentation and surrender of the bond: *Provided, however,* That no such proceedings will be recognized if they would give effect to an attempted voluntary transfer of the bond or would defeat or impair the rights of survivorship conferred by these regulations upon coowners and beneficiaries. Such payment will be made to the extent of the interest determined, at the redemption value current 30 days after the proceedings have become final or current at the time the bond is presented for payment, whichever is earlier. In appropriate cases the Treasury Department will require proof that the court acting had jurisdiction

over the parties and subject matter, and proceeded in due course of its jurisdiction, and that the judgment or decree is final and conclusive, that it has fully and effectually transferred the title of the owner, and that it is not open to attack in any jurisdiction whatever. For this purpose duly authenticated copies of the complaint, order, and proof of service, all pleadings and records of other proceedings, the final judgment, order, or decree of the court, and any further proceedings thereunder, must be furnished, together with a certificate, under seal, from the clerk of the court showing that no appeal, motion for new trial, or other proceeding which may result in modifying the judgment has been taken, made, or applied for; that the time for such action has expired (or that any such proceedings have been finally terminated), and that the judgment is in full force and effect and has become final under the laws of the jurisdiction. In addition, reference should be furnished to the constitution or statutes of the State conferring jurisdiction upon the court and regulating the manner in which such jurisdiction may be exercised. The Secretary of the Treasury in any case may require such further information, documents, and security as he deems necessary.

2. *Bankruptcy or insolvency.* Payment (but not reissue) of a Savings Bond will be made to a duly qualified receiver or trustee in bankruptcy of the estate of the registered owner, adjudicated bankrupt or insolvent, upon request for payment duly executed by such receiver or trustee and supported by satisfactory proof of his appointment and qualification.

XVII—PLEDGE WITH SECRETARY OF TREASURY

1. *Use in lieu of surety under Department Circular No. 154.* Notwithstanding any other provisions of this or any other circular, a Savings Bond may be pledged by the registered owner in lieu of surety under the provisions of Department Circular No. 154, amended: *Provided,* That the bond approving officer is the Secretary of the Treasury. In such cases an irrevocable power of attorney shall be executed authorizing the Secretary to request payment, and payment of the bond will, if it becomes necessary, be made upon such request at the then appropriate redemption value. No pledge to a bond approving officer other than the Secretary of the Treasury will be permitted. In no other case are Savings Bonds suitable for use as collateral, nor will a power of attorney to request payment be recognized in any other case.

XVIII—REISSUE AND DENOMINATIONAL EXCHANGE

1. *In general.* Reissue of a Savings Bond in a different form of registration

will be made only in the following instances:

(a) To correct an established error in the original issue;

(b) To show a change in the name of an owner or beneficiary whether by marriage or in any other legal manner;

(c) As specifically provided in this circular.

Reissues pursuant to (b) and (c) above will be made only at the Treasury Department, Division of Loans and Currency, Washington, D. C., and requests therefor should be made on appropriate forms, copies of which may be obtained from that Division or from any Federal Reserve bank. In any case where reissue is authorized by these regulations, the Treasury Department reserves the right to treat the receipt of a bond and appropriate request for reissue thereof by a Federal Reserve bank or the Treasury Department as determining the date upon which reissue as requested is effective. Bonds held in excess of the lawful limit, calculated in accordance with Section IV hereof, will not be reissued except insofar as reissue may be made pursuant to (a) above.

2. *Restrictions on denominational exchange.* Exchange as between authorized denominations of Savings Bonds will not be permitted except in cases of partial redemption or authorized cases of reissue.

3. *Description of new bonds.* In all cases of reissue the Savings Bonds will be of the same series, will bear the same issue dates as the Savings Bonds surrendered, and will mature on the same dates.

XIX—FURTHER PROVISIONS

1. *Regulations prescribed.* These regulations are prescribed by the Secretary of the Treasury as governing United States Savings Bonds issued under the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, and the provisions of Treasury Department Circular No. 300, as amended, have no application to such Savings Bonds except as hereinbefore specifically provided.

2. *Additional proof; bond of indemnity.* The Secretary of the Treasury, in any case arising under these regulations, may require such additional proof as he may consider necessary or advisable in the premises; and may require a bond of indemnity with satisfactory sureties, or an agreement of indemnity, in any case where he may consider such a bond or agreement necessary for the protection of the interests of the United States.

3. *Supplements, amendments, or revisions.* The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental, amendatory or revised rules and regulations governing United States Savings Bonds.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 40-1314; Filed, March 30, 1940; 10:38 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER II—BUREAU OF RECLAMATION

[No. 28]

SUN RIVER IRRIGATION PROJECT, MONTANA, SUN RIVER SLOPE DIVISION

PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

MARCH 22, 1940.

1. *Land for which water will be furnished.* In pursuance of the Act of June 17, 1902, (32 Stat., 388) and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper arrangements being made with the Greenfields Irrigation District, Fairfield, Montana, water will be available under the Sun River Slope Division of the Sun River Irrigation Project, Montana, during the irrigation season of 1940, and thereafter, for the irrigable lands shown on farm unit plats for Townships 21, 22 and 23 North, Ranges 1, 2, 3, 4, 5 and 6 West, Montana Principal Meridian, and beginning at 2 P. M., April 22, 1940, entry may be made in accordance with this notice for the following described vacant public land farm units, except those farm units indicated in the following list which are now subject to contestant's rights. Should any of these lands now subject to preference rights acquired under the Act of July 26, 1892 (27 Stat., 270) be returned to the status of vacant public lands, such lands shall likewise become subject to the terms of this notice.

Montana Principal Meridian

Township north	Range west	Section	Farm unit	Or the	Irrigable area (acres)
23	1	31	A	Lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	74.5
		31	F	SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 32	122.2
23	2	25	B	SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	32.3
22	3	3	G	S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 4	127.9
		4	A	N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9	113.1
		4	B	E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9	106.4
		9	H	W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	108.0
		17	E	SE $\frac{1}{4}$	133.0
		20	A	NE $\frac{1}{4}$	121.2
		20	B	SE $\frac{1}{4}$	101.8
		29	A	NE $\frac{1}{4}$	137.5
		31	C	Lots 1, 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$	104.8
21	4	1	A	N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	86.4
		2	A	S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$	127.3
		5	A	S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 5, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 8	71.3
		6	B	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 6	86.3
		6	C	Lot 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$	66.3
		6	D	Lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$	70.1
		6	E	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 6	60.1
		7	C	N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 7, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 8	116.1
		7	D	N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 7, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 8	105.1
		8	B	E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 8, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 9	104.3
		8	E	E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	113.7
		8	F	E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	96.8
		9	C	S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	116.2
		9	D	NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$	98.9

1 Open to entry only by successful contestant under the Act of July 26, 1892 (27 Stat., 270).

Montana Principal Meridian—Continued

Township north	Range west	Section	Farm unit	Or the	Irrigable area (acres)
		9	E	E $\frac{1}{2}$ SE $\frac{1}{4}$	79.2
		9	F	S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	115.0
		10	A	W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	108.3
		12	A	NW $\frac{1}{4}$	139.9
		12	B	NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12	108.7
		12	D	S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	144.6
		14	A	N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 15	94.9
		14	B	S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	67.6
		15	B	N $\frac{1}{2}$ NW $\frac{1}{4}$	77.9
		15	C	S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$	86.7
		15	D	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	72.2
		17	A	NE $\frac{1}{4}$	101.7
		17	B	NW $\frac{1}{4}$	117.1
		17	C	SW $\frac{1}{4}$	133.5
		17	D	N $\frac{1}{2}$ SE $\frac{1}{4}$	73.2
		17	E	S $\frac{1}{2}$ SE $\frac{1}{4}$	70.8
		18	A	NE $\frac{1}{4}$	139.2
		18	B	Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$	144.3
		18	C	Lots 3, 4	75.1
		18	D	E $\frac{1}{2}$ SW $\frac{1}{4}$	79.4
		18	E	W $\frac{1}{2}$ SE $\frac{1}{4}$	79.4
		18	F	E $\frac{1}{2}$ SE $\frac{1}{4}$	78.1
		19	A	N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 20	90.9
		19	B	Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$	72.6
		19	C	Lots 2, 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$	110.2
		19	D	S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 20	108.0
		20	B	N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 21	60.2
		21	A	N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22	50.7
22	4	31	A	S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, Lots 2, 3, Sec. 6, T. 21 N., R. 4 W.	96.8
		31	F	Lots 4, 6, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, Lot 4, Sec. 6, T. 21 N., R. 4 W.	111.4
21	5	1	A	E $\frac{1}{2}$ SE $\frac{1}{4}$	75.9
		1	B	W $\frac{1}{2}$ SE $\frac{1}{4}$	70.2
		1	C	SW $\frac{1}{4}$	136.2
		2	A	Lots 1 and 2	77.7
		2	B	Lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$	48.8
		2	C	NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$	103.2
		7	A	Lots 1, 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$	61.9
		7	D	N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 8	120.8
		8	C	E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17	82.4
		13	A	NE $\frac{1}{4}$	125.8
		13	B	NW $\frac{1}{4}$	137.5
		13	C	W $\frac{1}{2}$ SW $\frac{1}{4}$	80.5
		13	D	E $\frac{1}{2}$ SW $\frac{1}{4}$	80.8
		13	E	W $\frac{1}{2}$ SE $\frac{1}{4}$	80.4
		13	F	E $\frac{1}{2}$ SE $\frac{1}{4}$	80.6
		14	A	NE $\frac{1}{4}$	143.0
		14	B	E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$	115.8
		14	C	W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 15	148.7
		14	D	S $\frac{1}{2}$ SW $\frac{1}{4}$	79.7
		14	E	W $\frac{1}{2}$ SE $\frac{1}{4}$	74.5
		14	F	E $\frac{1}{2}$ SE $\frac{1}{4}$	78.1
		15	A	W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$	111.6
		15	B	S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22	107.4
		17	A	SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 17	89.4
		17	B	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 17	105.5
		17	D	SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$	143.8
		17	E	S $\frac{1}{2}$ SE $\frac{1}{4}$	76.0
		18	A	W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	116.6
		18	B	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 18	117.8
		18	C	Lot 4, Sec. 7, Lots 1, 2, Sec. 18	102.9
		18	D	Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, and N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13, T. 21 N., R. 6 W.	58.6
		18	E	N $\frac{1}{2}$ SE $\frac{1}{4}$	79.5
		18	F	Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T. 21 N., R. 6 W.	96.7
		19	A	W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$	105.1
		19	G	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19	104.7
		20	A	N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$	157.4
		20	B	S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	149.4

secured for state lands or lands in private ownership shall be 160 acres of irrigable land for each land owner. Rights of entry and limitations on the right to obtain water for private lands shall be subject to the applicable Federal statutes, and particularly the Act of August 9, 1912 (37 Stat. 265).

3. *Preference rights by contest.* An applicant claiming a preference by contest under the Act of July 26, 1892 (27 Stat., 270), for the farm units designated in paragraph 1 as being subject to such preference, shall attach to his application a statement supporting his claim. Such statement shall include the name and serial number of the local land office.

4. *Applicants must be qualified.* No entry shall be accepted by the local land office until the applicant therefor has satisfied the examining board appointed for the Sun River Project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws) as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler. A list of the qualifications required by the homestead laws may be secured from the local land office at Great Falls, Montana, or from the General Land Office, Washington, D. C.

5. *Requirements as to industry, experience, character, and capital.* Each applicant must possess good health and have had at least two years' actual experience in farm work and farm practice. He must have at least \$2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the examining board to be as useful to the applicant as money, except as otherwise provided in paragraph 7 hereof.

6. *Examining board.* An examining board of three members has been appointed by the Secretary of the Interior, to consider the fitness of each applicant to undertake the development and operation of a farm on the Sun River Project. Each applicant, except those described in paragraph 11 (a), must appear in person before the examining board, and the Superintendent, who is the member representing the United States, and who will act as secretary of the board, will notify each applicant by registered mail with return receipt demanded of the period of time set for his appearance and examination. The members of the board will be present at the project office when the opening is being held. Interested applicants, and particularly non-residents, will be examined at such times thereafter as it is convenient for them to be present. There must be, of course, some limit of time covering this feature, and the board will fix this limit, and will also announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be

made to verify the statements and representations made by the applicants, to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him. If requested by the examining board, each applicant will furnish the board a letter, or letters, signed by the applicant addressed to and authorizing banking and other institutions or persons to supply to the board any information it may require regarding the applicant's asset or other qualifications. Refusal of an applicant to furnish such authority, or his failure to do so within a period considered reasonable by the board, shall be sufficient reason for rejecting his application.

7. *Determination of relative standing of applicants.* The relative standings of the applicants will be based upon a percentage rating with the following maximum weights given to the four prescribed qualifications:

	Per Cent
Character -----	15
Industry -----	20
Capital -----	30
Farm Experience -----	35

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

Character:	Per Cent
Fair.....	15
Good.....	6 to 10
Excellent.....	11 to 15
Industry:	
Fair.....	15
Good.....	6 to 10
Excellent.....	11 to 20
Capital:	
\$2,000 to \$2,999.....	127
\$3,000 to \$3,999.....	28
\$4,000 to \$4,999.....	29
\$5,000 or above.....	30

¹ Minimum.

Provided, That in the event an applicant does not possess sufficient unencumbered assets for the establishment of an economically sound farming operation upon one of the farm units described in paragraph 1, but he is able within 15 days from the date of the receipt of the notice provided for in Section 11 (a), to furnish a certificate or other satisfactory showing that he will be granted a loan by the Farm Security Administration, Department of Agriculture, of an amount of money which will be sufficient, either itself or together with his personal net worth as determined from his original farm application, for the establishment of an economically sound farming operation, the examining board, under authority of the Act of August 7, 1939 (Public No. 307—76th Congress, 1st Session), will reconsider his application for making such change in the applicant's rating on capital as will reflect the additional asset of the loan assured to him by the Farm Security Adminis-

The farm unit plats referred to above were approved on the date of this notice and are on file in the office of the Superintendent, Bureau of Reclamation, Fairfield, Montana, and in the local land office at Great Falls, Montana.

2. *Limit of acreage for which entry may be made or water secured.* For the farm units described above, and any other lands covered by this notice which may become subject to homestead entry, the limit of area of public land per entry, representing the area which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the said farm unit plats for the respective farm units thereon. The maximum limit of area for which water may be

tration. To enable the examining board to give a definite rating to each application, in accordance with the scale set forth under "Capital" in this paragraph 7, the exact total amount of any such prospective loan shall be stated in the certificate or other showing presented: *Provided further, however*, That no loan by the Farm Security Administration shall be considered in lieu of the possession by any applicant of equivalent actual assets after June 30, 1940. *Provided further*, That where such farm units have or may be improved by means of funds made available by the Farm Security Administration, the Secretary of the Interior, as authorized by the said Act of August 7, 1939, shall require the entryman of any such unit to enter into a mortgage contract with the Farm Security Administration to repay the value of such improvements thereon before entry is allowed.

Farm experience:	Per Cent
A. In farming other than irrigation:	
2 years, any time.....	10
additional credit of 5% to be allowed for each year in farming other than irrigation for more than 2 years, up to a total of 7 years (10% for 2 years, plus 5% per year up to 5 additional years), or a maximum of.....	35
B. In irrigation farming:	
2 years, any time.....	15
2 years, in last 4 years.....	20
2 years, in last 2 years.....	25
3 years, in last 4 years.....	30
3 or more years in responsible charge of irrigation farm in last 4 years.....	35

¹ Minimum.

In determining the percentages to be given for experience under irrigated farming, the members of the examining board may reduce the percentages from 1 to 5 per cent, if, in their judgment, the experience indicated by the applicant as having been gained in other irrigated areas is not of the type that would justify his being rated for farming under the particular conditions on the Sun River Project, at any of the percentages above listed. When an applicant has had experience both in farming other than irrigation and in irrigation farming, the percentages given for each, when added together, shall not exceed 35%.

8. *When, and how to apply for a farm unit.* Any person desiring to acquire any of the farm units described in paragraph 1 must, as a first step, secure from the Superintendent, Sun River Project, Fairfield, Montana, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. The blanks will be available on and after the date of this notice, and full answer must be made to each question propounded therein. The application may state the particular farm unit desired and may also include a second and third choice and, when practicable, the choice of a fully qualified applicant will be approved. However, the intent of the law is to select the best qualified applicants for all farms available and the Government

must, therefore, reserve the right to distribute the farms to those best qualified, regardless of individual preferences.

9. *When and where to file the farm application.* The farm application must be filed with the Superintendent, Sun River Project, at Fairfield, Montana, in person, if convenient, or by mail, or otherwise, prior to 2 P. M., April 22, 1940, if the applicant desires to qualify under paragraph 10 below. No advantage will accrue to an applicant presenting his application in person rather than by mail, and, if the applicant does not reside at Fairfield, Montana, his application should be mailed. Farm applications received after 2 P. M., April 22, 1940, will be noted in the order of their receipt, and acted upon in the order received as provided in paragraph 14.

10. *Simultaneous filing of farm applications.* All applications received prior to 2 P. M., April 22, 1940, the date of opening, will be held and treated as simultaneously filed.

11. *Showing of applicants and selection thereof.* (a) Where the applicant, in the original application which he filed, failed to make a *prima facie* case—that is, where the applicant (1) does not possess good health; or (2) fails to make the necessary showing as to character; or (3) fails to make the necessary showing as to industry; or (4) fails to make the necessary showing as to citizenship; or (5) does not show at least two years' farm experience; or (6) is disqualified because of having already made homestead entry; or (7) is the owner of more than 160 acres of land in the United States; or (8) is otherwise disqualified, the application shall be rejected and the applicant notified thereof by registered mail, with return receipt demanded, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of such notification. If the application is rejected solely because of insufficient assets, however, the application may be reconsidered by the examining board under the provisions of paragraph 7 herein, which relates to loans to applicants by the Farm Security Administration. All appeals allowed under this Public Notice No. 28 must be filed in the office of the Superintendent at Fairfield, Montana, and within 10 days from receipt by applicants of rejection notices. The Superintendent will forward such appeals to the Secretary of the Interior.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, with return receipt demanded, of the time within which he must appear before it. After such personal examination, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth in paragraph 7, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application

blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in paragraph 7 of this Public Notice No. 28 for each of the requirements as to character, industry, capital and farm experience and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, with return receipt demanded, and of their right to appeal through the Superintendent to the Secretary of the Interior within 10 days from receipt of such notification. After the expiration of the appeal periods fixed by the above mentioned notices, if any are required, to applicants who failed to make *prima facie* cases and to those who failed to attain the minimum rating, and in the absence of any pending appeals, the board shall select the 141 applicants having the highest ratings (there being 141 farm units described in paragraph 1 subject to entry and which number of units may be increased if the farm unit subject to preference rights under the Act of July 26, 1892 (27 Stat., 270) later becomes available for disposal to other applicants). Immediately following the selection of the successful applicants the board shall send a notice by registered mail with return receipt demanded to each of the other applicants below the first 141 in qualification ratings, advising him of his rating, and that since the number of qualified applicants exceeds the number of available farms, his application must be held for rejection. Each applicant whose application is so held may appeal through the Superintendent to the Secretary of the Interior within 10 days of receipt of such notice. In the event that any of the 141 applicants with the highest ratings fail to fulfill the requirements of paragraph 12 hereof, the examining board will select other applicants in the order of their qualification ratings to replace those of the selected applicants who failed to complete their filings before the land office. If necessary, the same procedure will be followed until homestead filings have been completed for all of the public land farm units opened to entry by this Public Notice. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection, regardless of other applica-

tions, in the order of their ratings. The intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences. Where two or more applicants have received identical ratings, a drawing shall be made by the examining board to determine its selections and the order in which the available farms shall be awarded.

12. *Notification of applicant that he has been selected.* After the expiration of the period or periods fixed by notices to applicants in the contingencies named in paragraph 11 above, or any other that may arise, and upon the completion of action which may become necessary because of such notices, the board shall notify each applicant selected for a farm by registered mail with return receipt demanded, that he has been selected for a farm unit. Such notice will also advise the selected applicant of the steps which he must take within 10 days from the receipt thereof to pay the charges required by the Greenfields Irrigation District for operation and maintenance or the delivery of water, before he is entitled to file a homestead application with the local land office to enter the farm unit designated in connection with his selection. Upon a proper showing by the said District that the selected applicant has made payment of such charges before the expiration of the said 10-day period, the secretary of the examining board will furnish each such applicant by registered mail, unless delivered to him in person, a certificate stating that his qualifications to enter public lands, as required by subsection C of Section 4 of the Act of December 5, 1924 (43 Stat., 702), have been passed upon and approved by that board. Such certificate, in which the applicant's ratings will also be stated, and a copy of which will be forwarded by the secretary of the board to the local land office immediately upon the issuance thereof, must be attached by the applicant to his homestead application when he files such application at the local land office at Great Falls, Montana. Such homestead application shall be made within 15 days from the date of the receipt by the applicant of the said certificate. Failure to pay the charges required by the Greenfields Irrigation District or to make application for homestead entry within the 15-day period will render the application subject to rejection.

13. *Failure of selected applicant to complete transaction.* If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in paragraph 11.

14. *General entry.* On and after 2 P. M., April 22, 1940, any farm units described in paragraph 1 above which remain unentered, shall be subject to entry under this notice by any person having the necessary qualifications. If, on April 22, 1940, prior to 2 P. M., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with paragraph 11 of this notice, the provisions of which shall continue in effect in a similar manner in the future if the number of applications at any time exceeds the number of remaining available farm units.

15. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

16. *All land to be included in an irrigation district.* Substantially all of the lands covered by this Public Notice are within the Greenfields Irrigation District organized under the laws of the State of Montana, and whose offices are located at Fairfield, Montana. For any of the lands covered by this notice which are not within that district, the applicant will take the proper steps necessary to have his land included in that district.

17. *Contract with Greenfields Irrigation District.* A contract was entered into June 22, 1926, between the United States and the Greenfields Irrigation District, providing for payment of charges and operation of works. A copy of that contract may be examined in the office of the Superintendent of the Sun River Project, Fairfield, Montana, or in the office of the Commissioner, Bureau of Reclamation, Washington, D. C.

18. *Construction charges.* The construction cost shall be paid in accordance with the contract dated June 22, 1926, between the United States and the Greenfields Irrigation District.

19. *Operation and maintenance charges.* Under the terms of the said contract between the United States and the Greenfields Irrigation District, the District has assumed the control and operation and maintenance of the Sun River Slope Division, including all of the lands covered by this Public Notice. Each selected applicant for any of the farm units described in this notice shall, as a condition precedent to the filing of homestead application with the local land office, pay to the Greenfields Irrigation District such charges in connection with the delivery of water to said applicant during the year in which the application is filed as may be established and required therefore by the District; and each such selected applicant or holders of private land and the existing unper-

fect homestead entries shown on the farm unit plats referred to in paragraph 1 hereof shall pay to said District in advance any applicable operation and maintenance charges as may be established and required by the District, in accordance with the District's contract with the United States. In the event of defaults in payment of operation and maintenance charges due to the District, with respect to any lands covered by this notice, delivery of irrigation water to lands so in default shall be withheld by the District in accordance with the provisions in said District contract.

20. *Reservation of rights of way for county highways and access roads.* Rights of way are reserved for county highways along all section lines, such rights of way being 30 feet in width on each side of said section lines. Other rights of way to interior farm units are reserved where indicated on the said farm unit plats.

21. *Waiver of mineral rights.* All homestead entries for any of the above described farm units, and for any lands covered by this notice which may become subject to such entry, will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry canceled.

E. K. BURLEW,
First Assistant Secretary
of the Interior.

[F. R. Doc. 40-1309; Filed, March 30, 1940;
9:51 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING SHIP SERVICE¹

AMENDMENTS

The Commission on March 29, 1940, effective April 1, 1940, took the following action:

Amended § 8.164 in part, to read:

"Each auto alarm of a type approved by the Commission when first installed aboard a vessel of the United States, must bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components of the following

¹ 4 F. R. 3456.

types of approved auto alarms are designated as follows:"*

Amended § 8.212, to read:

"The auto-alarm shall be in operation, connected to the main antenna and adjusted for normal efficiency, according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port when the operator is not on watch, and shall not be rendered inoperative when a radio direction finder, on board the same ship, is being used."*

Adopted the following new sections:

"§ 8.131 *Keying device.* Beginning July 1, 1941, each passenger ship of the United States, of over 3,000 gross tons, which is subject to Title III, Part II, of the Communications Act of 1934, shall be fitted with an approved device or arrangement capable of being used in conjunction with the main and emergency transmitters to transmit the international automatic alarm signal for a continuous period of at least 30 minutes. This device, when electrically driven, shall be capable of operation from the emergency power supply."*

"§ 8.168 *Failure of power.* An auto alarm installed on board a cargo vessel of the United States for the purpose of compliance with Title III, Part II, of the Communications Act of 1934, as amended, which is dependent for effective operation upon a power supply having a voltage within definite upper and lower limits shall be fitted with an auxiliary device which will energize the audible alarms if and when this power supply fails or its voltage exceeds the limits specified in Standards of Good Engineering Practice for Ship Stations for the particular type of alarm involved; or will automatically connect the auto alarm to an auxiliary power supply, the voltage of which is within the specified limits."*

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1322; Filed, April 1, 1940;
11:11 a. m.]

TITLE 50—WILDLIFE

CHAPTER III—INTERNATIONAL FISHERIES COMMISSION

REGULATIONS ADOPTED PURSUANT TO THE
PACIFIC HALIBUT FISHERY CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND THE DOMINION OF CANADA,
SIGNED JANUARY 29, 1937

REGULATORY AREAS

1. The convention waters shall be divided into the following areas, all directions given being magnetic.

(a) Area 1 shall include all convention waters southeast of a line running north-east and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in May, 1926, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'07" N., longitude 124°04'18" W.

(b) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in September, 1923, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'48" N., longitude 136°38'24" W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in section 9 of these regulations.

(c) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running south from the southwestern extremity of Cape Sagak on Umnak Island, at a point approximately latitude 52°41'25" N., longitude 168°58'05" W., and that are south of the Alaska Peninsula and of the Aleutian Islands including the intervening straits or passes.

(d) Area 4 shall include all convention waters which are not included in Areas 1, 2, and 3, and in those areas defined in section 9.

LIMIT OF CATCH IN EACH AREA

2. (a) The catch of halibut to be taken during the halibut fishing season of 1940 from Area 2 shall be limited to approximately 22,700,000 pounds of salable halibut, and from Area 3 to approximately 25,300,000 pounds of salable halibut, or, if the International Fisheries Commission shall at any time so decide, the catch shall not be limited separately in Areas 2 and 3, but shall be limited to 48,000,000 pounds of salable halibut from the combined Areas 2 and 3, the weights in each or any such limit to be computed as with heads off and entrails removed.

(b) The catch of halibut to be taken from each area during the halibut fishing season of 1940 shall also be limited to halibut weighing 5 pounds or over as computed with heads off, entrails removed or to halibut weighing 5 pounds 13 ounces or over as computed with heads on, entrails removed and the possession of any halibut of less than the above weights by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) The International Fisheries Commission shall as early in the said year as is practicable determine the date on which it deems each limit of catch defined in section 2 (a) will be attained, and the limit of each such catch shall then be that which shall be taken prior

to said date, and fishing for or catching of halibut in the area or areas to which such limit applies shall at that date be prohibited until after the end of the closed season as defined and modified in section 3 of these regulations, except as provided in section 4 thereof and in Article I of the Convention, and provided that if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date, it may substitute another date.

LENGTH OF CLOSED SEASON

3. (a) Under the authority of Article I of the aforesaid Convention the closed season as therein defined shall be modified so as to end at 12 midnight of March 31 of each year and shall begin at 12 midnight of November 30 of each year unless an earlier date is determined upon for any area under the provisions of this section, paragraph (b) of these regulations, provided that the International Fisheries Commission may fix any date subsequent to November 1 as the commencement of the closed season regardless of the catch which it deems will be attained by such date.

(b) Under authority of Article I of the Convention, the closed season as therein defined shall begin in each area on the date on which the limit is reached as hereinbefore provided, and the closing of such area or areas shall be taken to have been duly approved unless before the said date either the President of the United States of America or the Governor General of Canada shall have signified his disapproval, (the onus of proving any such signification being upon the person alleging it) and provided that the closure of Area 2 or of Area 3, whichever shall be later, shall apply to Area 4, and that the closure of Area 2 shall apply to Area 1, and provided further that nothing in this regulation shall prohibit the fishing for other species of fish and fishing by the International Fisheries Commission as provided for in Article I of the Convention.

RETENTION OF HALIBUT TAKEN WITH OTHER FISH

4. There may be retained in possession on any vessel which shall have a permit as provided in section 5 (b) that halibut which is taken incidentally to fishing by that vessel in any area that is closed to halibut fishing under section 1 of these regulations with set lines for other species, not to exceed at any time one pound of halibut for each seven pounds of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all such fish to be computed as with heads off and entrails removed.

The catch of halibut taken and retained under such permit shall be limited to halibut weighing 5 pounds or over as computed with heads off, entrails removed or to halibut weighing 5

*Art. 21 (4) (5), General Radio Regulations (Cairo Revision) Annexed to International Telecommunication Convention, Madrid 1932.—Sec. 303 (r), 50 Stat. 191; 47 U.S.C. 303 (r).

pounds 13 ounces or over as computed with heads on, entrails removed and the possession of any halibut of less than the above weights by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

Halibut retained under such permit shall not be landed or otherwise removed from the catching vessel until all halibut on board shall have been reported to a customs or other authorized officer of either Government nor shall any vessel receive it for transportation unless it shall be reported to the said officer prior to departure from port, and it and all fish of other species shall be removed from the catching vessel under such supervision as the said officer may deem advisable.

Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion herein allowed until such excess whatever its origin shall have been forfeited and surrendered to the customs or other authorized officers of either Government. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

Permits for the retention and landing of halibut shall become invalid at the expiration of the third day after the closure of the last area open to halibut fishing, unless such third day shall fall upon a Sunday or legal holiday, in which event such permits shall become invalid at the expiration of the next day which is not a Sunday or legal holiday.

ISSUANCE OF LICENSES AND PERMITS

5. (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the respective Governments for the carriage of freight, must be licensed by the International Fisheries Commission, provided that vessels of less than five net tons or vessels which do not use set lines or bottom nets or trawls, need not be licensed unless they shall require a permit as provided in section 4.

Each licensed vessel shall carry this license on board at all times while at sea whether it is validated for halibut fishing or endorsed with a permit as hereinafter provided, and this license shall at all times be subject to inspection by authorized officers of either Government or by representatives of the International Fisheries Commission.

The license shall be issued without fee by the customs officers of either Government or by representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof

of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(b) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing must have a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in section 4. The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area for which the permit is issued. The permit shall terminate at the time of first landing thereafter of fish of any species and a new permit may be granted in accordance with section 6. A permit shall not be issued to any vessel which shall have halibut on board taken while licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and as thereby subject to forfeiture when landed if in excess of the amount permitted in section 4. A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines.

CONDITIONS LIMITING VALIDITY OF LICENSES AND PERMITS

6. The license or permit of any vessel shall not be valid unless the license is validated or the permit is granted before departure from port for each fishing operation for which statistical returns are required. This validation of a license or granting of a permit shall be by customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of section 7 (a) and 7 (b) have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of section 7 (a) and 7 (b) the license or permit of such vessel may be validated or issued by customs officers or authorized representatives of the International Fisheries Commission only upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

The license shall not be valid for halibut fishing in more than one area, as defined in Section 1 of these regulations, during any one trip nor shall it

be revalidated for halibut fishing in another such area while the vessel has any halibut on board.

The license shall not be valid for halibut fishing in any area closed to halibut fishing or for the possession of halibut in any area closed to halibut fishing except while in transit to or within a port of sale.

The license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

STATISTICAL RETURN BY VESSELS

7. (a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any licensed vessel and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in Sections 4 and 5 (b), within 48 hours of landing, sale or transfer of halibut or of first port entry thereafter, except that when operating within any area in which the catch is not limited in amount by these regulations the master or operator of a licensed vessel shall make statistical returns at such times as are required by the customs officers or the International Fisheries Commission, but shall at all times keep with the license form such records as are necessary to make such return.

The statistical return must state the port of landing and the amount of each species taken within the area defined in these regulations, for which the vessel's license is validated.

The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such times as the latter shall require.

The master or operator and/or any person engaged on shares in the operation of any vessel licensed or holding a permit under these regulations may be required by the International Fisheries Commission or by any officer of either Government authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(b) The master or operator of any vessel holding a license or permit under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection of repre-

sentatives of the International Fisheries Commission authorized for this purpose.

The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer of either Government to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

STATISTICAL RETURNS BY OTHERS

8. All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of either Government or to the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

All records of all persons, firms or corporations concerning the landing, purchase and sale of halibut and other species landed therewith shall be open at all times to inspection of any enforcement officer of either Government or of any authorized representative of the International Fisheries Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

The possession by any persons, firms or corporations of halibut which they know to have been taken by an unlicensed vessel or a vessel without a permit when such license or permit is required, shall be prohibited.

CLOSED SMALL HALIBUT GROUNDS

9. The following areas having been found to be populated by small immature halibut, are hereby closed to all halibut fishing and the possession of halibut of any origin is prohibited therein during fishing for other species:

First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated; from the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33'42" N., longitude 133°43'39" W., to the south extremity of Wood Island, approximately latitude 55°39'38" N., longitude 133°42'32" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'42" N., longitude 133°47'45" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'41" N., longitude 133°48'04" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°35'00" N., longitude 134°14'45" W.; thence south-

east by south twelve and five-eighths miles to a point approximately latitude 55°22'24" N., longitude 134°13'05" W.; thence northeast fourteen miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'06" N., longitude 133°49'14" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in April, 1925, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

Second, that area lying in the waters off the north coast of Graham Island, British Columbia, within the following boundary: From the northwest extremity of Wiah Point, latitude 54°06'50" N., longitude 132°19'18" W., true north five and one-half miles to a point approximately latitude 54°12'20" N., longitude 132°19'18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54°04'24" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

DORY GEAR PROHIBITED IN AREAS 1 AND 2

10. The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in Areas 1 and 2.

SET NETS PROHIBITED

11. It is prohibited to take or to retain halibut with a set net of any kind or to have in possession any halibut while using any such net for other species of fish, nor shall any license or permit held by any vessel under these regulations be valid during the use or possession on board of any such net.

RESPONSIBILITY OF MASTER

12. Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master

or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty.

This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

SUPERVISION OF UNLOADING AND WEIGHING

13. The unloading and weighing of the halibut of any vessel licensed or holding a permit under these regulations shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of these regulations.

SUPERSEDE PREVIOUS REGULATIONS

14. These regulations shall supersede all previous regulations¹ adopted pursuant to the Convention between the United States of America and the Dominion of Canada for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed January 29, 1937, except as to offenses occurring prior to the approval of these regulations. Any determination made by the International Fisheries Commission pursuant to these regulations shall become effective immediately.

L. W. PATMORE,
Chairman.
CHARLES E. JACKSON,
A. J. WHITMORE,
EDWARD W. ALLEN,
Secretary.

Approved:

FRANKLIN D. ROOSEVELT
MARCH 25 1940

[F. R. Doc. 40-1316; Filed, April 1, 1940;
9:22 a. m.]

Notices

DEPARTMENT OF STATE

Committee for Reciprocity Information.

TRADE AGREEMENT WITH SWITZERLAND

PUBLIC NOTICE REGARDING PROPOSED TERMINATION IN PART OF CONCESSION ON HANDKERCHIEFS

*Closing date for presentation of views,
April 29, 1940*

The Committee for Reciprocity Information hereby gives notice that all information and views in regard to the proposed termination in part of the concession on handkerchiefs included in item 1529 (b) of Schedule II of the trade agreement with Switzerland, announcement concerning which has been made by the Department of State on this date, shall be submitted not later than 12 o'clock noon, April 30, 1940.

Written statements must be either typewritten or printed and must be sub-

¹ 4 F.R. 1353.

mitted in six copies of which one copy shall be sworn to. They should be addressed to "Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets, NW., Washington, D. C." Oral presentation of views, if desired, may be arranged by application to the Secretary of the Committee.

By direction of the Committee for Reciprocity Information this 29th day of March 1940.

JOHN P. GREGG,
Secretary.

MARCH 29TH, 1940.

It has been ascertained that imports into the United States of handkerchiefs included in item 1529 (b) of Schedule II of the trade agreement with Switzerland, signed on January 9, 1936, have been in major part from countries other than Switzerland, and that imports of these handkerchiefs have increased very considerably over the levels obtaining before the entry into effect of the reduced duties established pursuant to the agreement.

Under article XVI of the Swiss agreement, each country has reserved the right, after consultation with the government of the other country, to withdraw or to modify the concession granted on any article, if, as a result of the extension of the concession to third countries, such countries obtain the major benefit of the concession and in consequence thereof an unduly large increase in imports takes place. This Government is considering taking action, pursuant to article XVI, to withdraw from the concession certain hand-ornamented handkerchiefs at present included in item 1529 (b), in which the increase in imports has primarily taken place.

The concession on handkerchiefs granted by the United States in item 1529 (b) of the Swiss agreement applies at present to the articles described below. The reduced rates are also shown.

1529 (b) Handkerchiefs, wholly or in part of machine-made lace; handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; any of the foregoing, finished or unfinished, which contain no handmade lace and which are not embroidered or tamboured in any part by hand:

Composed wholly or in chief value of cotton, 2¢ each and 30% ad val.

Composed wholly or in chief value of vegetable fiber other than cotton:

If finished and valued at 80 cents or more per dozen, 2¢ each and 30% ad val.

If unhemmed and without any finished edge, and valued at 45 cents or more per dozen, 2¢ each and 30% ad val.

In the case of handkerchiefs of the foregoing descriptions valued at 70 cents or less per dozen, the reduction in duty was from the rate provided for in the Tariff Act of 1930 of 3 cents each plus 40 percent ad valorem, to 2 cents each plus 30 percent ad valorem. In the case of such handkerchiefs valued at more than 70 cents per dozen, the reduction in duty was from the statutory rate of 4 cents each plus 40 percent ad valorem, to 2 cents each plus 30 percent ad valorem. An additional duty of 1 cent each on handkerchiefs valued at 70 cents or less per dozen and having hand-rolled or handmade hems was not changed by the agreement.

Under the action contemplated, certain hand-ornamented handkerchiefs would be excluded from the concession, so that the rates of duty specified in item 1529 (b) of the trade agreement would apply only to the following:

1529 (b) Handkerchiefs, wholly or in part of machine-made lace; handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; any of the foregoing, finished or unfinished, which contain no handmade lace, which are not embroidered, tamboured, or appliqued in any part by hand, from which threads have not been omitted, drawn, punched, or cut by hand, and having no threads introduced by hand to finish or ornament the openwork:

Composed wholly or in chief value of cotton, 2¢ each and 30% ad val.

Composed wholly or in chief value of vegetable fiber other than cotton:

If finished and valued at 80 cents or more per dozen, 2¢ each and 30% ad val.

If unhemmed and without any finished edge, and valued at 45 cents or more per dozen, 2¢ each and 30% ad val.

Provided, That no handkerchiefs shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects, which handwork has been performed in connection with the appliqueing, or omitting, drawing, punching, or cutting of threads and the introduction of threads to finish or ornament the openwork of the handkerchiefs.

The foregoing description may be modified in the light of presentations received from interested persons or as a

result of consultation with the Swiss Government. The duties on handkerchiefs which would be excluded from the concession as a result of the proposed action would return to the statutory rates, previously referred to, which were in effect prior to the agreement.

Any person desiring to submit any information or views with respect to the proposed action should present them to the Committee for Reciprocity Information in accordance with the announcement issued by that Committee today, a copy of which is attached.

[F. R. Doc. 40-1311; Filed, March 30, 1940; 9:51 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Order No. 291]

AN ORDER REQUIRING REPORTS FROM PRODUCERS OF BITUMINOUS COAL COVERING PRODUCTION AND MINE OPERATION FOR THE CALENDAR YEAR 1939

Pursuant to the provisions of the Bituminous Coal Act of 1937, and particularly Section 10 (a) thereof, it is hereby ordered that:

1. Each producer of bituminous coal, whether or not a code member, and whether or not engaged in commerce in coal which is subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, shall file, on the appropriate form hereinafter designated, and in the manner hereinafter set forth, a report of production and other items relating to mine operation, as more fully described in said appropriate form. Each of the hereinafter designated forms is by this reference incorporated herein and made a part of this order.

2. For each mine having rail or river connections regardless of the amount of daily average production, and for each mine having a daily average production of more than fifty (50) net tons irrespective of whether it has rail or river connections, the reports required by this order shall be filed on "BCD Form T-1 1939."

3. Each producer operating a mine or mines of the character described in Paragraph 2 hereof shall, in addition to the reports required to be filed on Form T-1, file a report on "BCD Form T-CO" with respect to data on offices and laboratories as more fully described therein and which are not covered in Form T-1.

4. For each mine without rail or river connections, having a daily average production of less than fifty (50) net tons, the report herein required shall be made on "BCD Form T-2-C".

5. The reports required to be made on Form T-1 and the reports required to be made on Form T-2-C shall be filed at the office of the Statistical Bureau of the Division for the District in which the re-

porting mine is located, on or before the 15th day of May 1940. Form T-2-C shall be filed in duplicate. A separate report, either on Form T-1 or Form T-2-C, as the case may be, shall be filed for each mine operated by the producer during any part of the calendar year, even though said mine may have been in operation for only a very limited period. Likewise, a separate report shall be filed for each mine maintained by the producer during the calendar year 1939 even though such mine was not in actual operation during any part of such period.

6. The reports required to be filed on Form T-CO shall be filed at the office of the Research Section, Bituminous Coal Division, Department of the Interior, Washington, D. C., not later than the 15th day of May 1940.

7. Each report required to be filed by this order shall be certified as being correct by the producer, if an individual, or by a member of the firm, if a partnership, or in the case of a corporation by a responsible officer thereof who is familiar with the facts.

Dated, March 29, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1327; Filed, April 1, 1940;
11:43 a. m.]

Bureau of Reclamation.

COLUMBIA BASIN PROJECT, WASHINGTON

ADVERTISEMENT OF LANDS FOR LEASE

MARCH 21, 1940.

1. Sealed proposals will be received at the office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock, P. M., April 15, 1940, for the lease for grazing purposes of all or any tract or tracts of the land shown on the accompanying list.

2. The lands will be leased for the period ending December 31, 1940, the lessee having no option to renew. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept.

3. Bids must be accompanied by payment in full. Funds so remitted by unsuccessful bidders will be returned on making of award. Remittance should be in the form of certified check, bank draft, or money order, drawn in favor of "Bureau of Reclamation". No bids will be considered at less than two and one-half cents per acre.

4. Those desiring to bid should first consult a copy of the lease form 7-523-A-G, on file at the office of the Superintendent of the Yakima project, at Yakima, Washington, and the Supervising Engineer, Coulee Dam, Washington,

which lease must be promptly executed by successful bidders before possession of land is given, and which describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree.

5. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for lease of land, Columbia Basin project, Washington, to be opened at 2 p. m., eastern standard time, April 15, 1940.

JOHN C. PAGE,
Commissioner.

COLUMBIA BASIN PROJECT, WASHINGTON

WILLAMETTE MERIDIAN

Description:

T. 15 N., R. 23 E.:	Area in acres
Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
Sec. 28, NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
T. 16 N., R. 23 E.:	
Sec. 10, All-----	640.00
Sec. 14, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ -----	480.00
Sec. 22, NW $\frac{1}{4}$ -----	160.00
Sec. 24, NW $\frac{1}{4}$ -----	160.00
T. 17 N., R. 23 E.:	
Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	320.00
T. 18 N., R. 23 E.:	
Sec. 6, Lots 4, 5, 6, 7-----	156.68
Sec. 18, Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ -----	160.60
Sec. 22, NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SE $\frac{1}{4}$ -----	480.00
Sec. 32, E $\frac{1}{2}$ SW $\frac{1}{4}$ -----	80.00
T. 19 N., R. 23 E.:	
Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ -----	160.00
Sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ -----	80.00
Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
Sec. 22, SE $\frac{1}{4}$ -----	160.00
Sec. 26, E $\frac{1}{2}$ -----	320.00
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
T. 20 N., R. 23 E.:	
Sec. 4, Lot 4-----	33.32
T. 15 N., R. 24 E.:	
Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$ -----	160.00
Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	40.00
Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$ -----	160.00
T. 16 N., R. 24 E.:	
Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$ -----	160.00
Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	320.00
Sec. 24, NW $\frac{1}{4}$ -----	160.00
Sec. 30, Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	155.75
T. 14 N., R. 25 E.:	
Sec. 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ -----	80.00
Sec. 6, SW $\frac{1}{4}$ -----	160.00
Sec. 28, SE $\frac{1}{4}$ -----	160.00
Sec. 34, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	80.00
T. 15 N., R. 25 E.:	
Sec. 30, NW $\frac{1}{4}$ -----	160.00
T. 16 N., R. 25 E.:	
Sec. 18, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	156.04
T. 17 N., R. 25 E.:	
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
T. 18 N., R. 25 E.:	
Sec. 32, SW $\frac{1}{4}$ -----	160.00
T. 19 N., R. 25 E.:	
Sec. 28, NW $\frac{1}{4}$ -----	160.00
T. 20 N., R. 25 E.:	
Sec. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
Sec. 14, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ -----	240.00
Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	40.00
Sec. 30, NW $\frac{1}{4}$ -----	160.00
T. 14 N., R. 26 E.:	
Sec. 18, SW $\frac{1}{4}$ -----	160.00
T. 16 N., R. 26 E.:	
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
T. 17 N., R. 26 E.:	
Sec. 8, E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
Sec. 10, S $\frac{1}{2}$ -----	320.00

Description—Continued.

T. 20 N., R. 26 E.:	Area in acres
Sec. 2, All-----	640.00
Sec. 4, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and SE $\frac{1}{4}$ -----	510.54
Sec. 6, Lot 4 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	53.65
Sec. 8, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ -----	480.00
Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	160.00
Sec. 12, S $\frac{1}{2}$ S $\frac{1}{2}$ -----	160.00
Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
Sec. 18, NE $\frac{1}{4}$ -----	160.00
Sec. 20, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ -----	480.00
Sec. 24, E $\frac{1}{2}$ E $\frac{1}{2}$ -----	160.00
Sec. 28, SW $\frac{1}{4}$ -----	160.00
T. 21 N., R. 26 E.:	
Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ -----	360.00
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	120.00
Sec. 20, SE $\frac{1}{4}$ -----	160.00
Sec. 28, E $\frac{1}{2}$ E $\frac{1}{2}$ -----	160.00
Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	280.00
Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	160.00
T. 22 N., R. 26 E.:	
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
Sec. 11, NE $\frac{1}{4}$ -----	160.00
Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ -----	320.00
T. 13 N., R. 27 E.:	
Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	200.00
Sec. 12, NE $\frac{1}{4}$ -----	160.00
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	160.00
T. 14 N., R. 27 E.:	
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	120.00
Sec. 10, NW $\frac{1}{4}$ -----	160.00
Sec. 12, N $\frac{1}{2}$ -----	320.00
Sec. 26, NE $\frac{1}{4}$ -----	160.00
T. 15 N., R. 27 E.:	
Sec. 24, NW $\frac{1}{4}$ -----	160.00
T. 16 N., R. 27 E.:	
Sec. 10, E $\frac{1}{2}$ SW $\frac{1}{4}$ -----	80.00
Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	320.00
T. 17 N., R. 27 E.:	
Sec. 10, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ -----	120.00
Sec. 12, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ -----	240.00
T. 18 N., R. 27 E.:	
Sec. 6, Lots 1 and 2-----	308.13
T. 19 N., R. 27 E.:	
Sec. 30, SE $\frac{1}{4}$ -----	160.00
T. 20 N., R. 27 E.:	
Sec. 2, All-----	716.32
Sec. 4, Lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 12 and SE $\frac{1}{4}$ -----	499.67
Sec. 6, Lots 1, 3, 4, 5, 8, 9, 10, 12, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ -----	500.09
Sec. 8, W $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	360.00
Sec. 10, All-----	640.00
Sec. 12, All-----	640.00
Sec. 14, All-----	640.00
Sec. 18, Lots 1, 2, NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	321.60
Sec. 20, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	280.00
Sec. 24, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	440.00
T. 21 N., R. 27 E.:	
Sec. 14, S $\frac{1}{2}$ -----	320.00
Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	120.00
T. 22 N., R. 27 E.:	
Sec. 2, Lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ -----	316.56
Sec. 12, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ -----	480.00
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
Sec. 32, SW $\frac{1}{4}$ -----	160.00
T. 23 N., R. 27 E.:	
Sec. 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	80.00
Sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	200.00
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	280.00
Sec. 28, NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	40.00
Sec. 34, All-----	640.00
T. 10 N., R. 28 E.:	
Sec. 2, Lot 1-----	22.40
Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ -----	80.00
T. 11 N., R. 28 E.:	
Sec. 12, Lots, 1, 2, 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	369.50

Description—Continued.

Description	Area in acres
T. 12 N., R. 28 E.: Sec. 2, Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ -----	269.76
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
Sec. 24, NE $\frac{1}{4}$ -----	160.00
T. 13 N., R. 28 E.: Sec. 6, SE $\frac{1}{4}$ -----	160.00
Sec. 26, SW $\frac{1}{4}$ -----	160.00
Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	280.00
T. 14 N., R. 28 E.: Sec. 18, Lot 3 and NE $\frac{1}{4}$ -----	207.13
Sec. 26, SE $\frac{1}{4}$ -----	160.00
T. 15 N., R. 28 E.: Sec. 4, Lot 3-----	41.68
Sec. 6, Lots 1, 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$ -----	162.71
Sec. 18, Lots 1, 2 and E $\frac{1}{2}$ NW $\frac{1}{4}$ -----	182.11
Sec. 28, N $\frac{1}{2}$ -----	320.00
T. 18 N., R. 28 E.: Sec. 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ -----	200.00
Sec. 12, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	280.00
Sec. 34, SE $\frac{1}{4}$ -----	160.00
T. 20 N., R. 28 E.: Sec. 4, Lots 1, 2, 7, 8, 9, and 10-----	189.61
Sec. 6, Lots 1 to 14 inclusive, and SE $\frac{1}{4}$ -----	625.44
Sec. 8, All-----	640.00
Sec. 10, SW $\frac{1}{4}$ -----	160.00
Sec. 14, E $\frac{1}{2}$ NW $\frac{1}{4}$ -----	80.00
Sec. 18, Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	313.12
Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	160.00
Sec. 28, NW $\frac{1}{4}$ -----	160.00
T. 21 N., R. 28 E.: Sec. 2, Lots 1 and 2-----	75.60
Sec. 8, N $\frac{1}{2}$ and SE $\frac{1}{4}$ -----	480.00
Sec. 10, E $\frac{1}{2}$ -----	320.00
Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	440.00
Sec. 14, NW $\frac{1}{4}$ -----	160.00
Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ -----	440.00
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ -----	400.00
Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ -----	320.00
T. 23 N., R. 28 E.: Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----	40.00
T. 24 N., R. 28 E.: Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
Sec. 28, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ -----	280.00
T. 10 N., R. 29 E.: Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	120.00
T. 12 N., R. 29 E.: Sec. 6, Lots 1, 2, 3, and 4-----	167.49
Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
T. 13 N., R. 29 E.: Sec. 10, E $\frac{1}{2}$ SE $\frac{1}{4}$ -----	80.00
Sec. 14, E $\frac{1}{2}$ -----	320.00
T. 14 N., R. 29 E.: Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
Sec. 8, SW $\frac{1}{4}$ -----	160.00
Sec. 10, NE $\frac{1}{4}$ -----	160.00
Sec. 18, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ -----	120.00
Sec. 20, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$ -----	480.00
Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ -----	160.00
Sec. 30, SW $\frac{1}{4}$ -----	160.00
T. 15 N., R. 29 E.: Sec. 6, Lots 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ -----	208.86
Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$ -----	160.00
T. 16 N., R. 29 E.: Sec. 10, NW $\frac{1}{4}$ -----	160.00
T. 18 N., R. 29 E.: Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ -----	160.00
Sec. 26, N $\frac{1}{2}$ and SE $\frac{1}{4}$ -----	480.00
T. 20 N., R. 29 E.: Sec. 6, Lots 2, 3, 4 and 5-----	196.26
Sec. 8, SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ -----	160.00
Sec. 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$ -----	40.00
T. 21 N., R. 29 E.: Sec. 2, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ -----	322.24
Sec. 24, S $\frac{1}{2}$ N $\frac{1}{2}$ and SW $\frac{1}{4}$ -----	320.00
T. 22 N., R. 29 E.: Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ -----	240.00
T. 10 N., R. 30 E.: Sec. 18, Lots 3, 4 and E $\frac{1}{2}$ SW $\frac{1}{4}$ -----	181.71

Description—Continued.

Description	Area in acres
T. 20 N., R. 31 E.: Sec. 30, SE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00
T. 11 N., R. 32 E.: Sec. 6, Lots 1 and 2-----	81.51
Sec. 22, S $\frac{1}{2}$ S $\frac{1}{2}$ -----	160.00
T. 13 N., R. 32 E.: Sec. 2, Lot 4-----	38.12
T. 14 N., R. 32 E.: Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$ -----	160.00
T. 17 N., R. 32 E.: Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$ -----	40.00

[F. R. Doc. 40-1310; Filed, March 30, 1940;
9:51 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

PRIMA FACIE DETERMINATION IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE CLEANING AND PREPARING OF GARDEN SEED AND SEED CORN AT COUNTRY CLEANING PLANTS FROM THE MAXIMUM HOURS PROVISIONS

Whereas, applications have been filed by the American Seed Trade Association and sundry other parties for exemption of the cleaning and preparing of garden seed and seed corn at country cleaning plants from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations issued thereunder, and

Whereas, it appears from said applications and upon further investigation that:

(1) garden seed and seed corn come to maturity and are harvested each year during regularly recurring periods, and

(2) almost all garden seed and seed corn in the United States is grown on contract and normally this seed crop is delivered by the farmer, as soon after harvesting as weather and other farm work permits, to country cleaning plants where it is cleaned, purified, sorted, dried, graded and otherwise rendered suitable for seed, and

(3) most seed crops after being received at the cleaning plants must be immediately prepared including drying and fumigating in order to prevent loss of germination, disease or other deterioration, and

(4) that these plants are located at convenient points where it is practical and not unduly costly for the farmers to deliver their crops, and

(5) the aforesaid country cleaning plants are devoted solely to the cleaning and preparing of garden seed and seed corn and that such plants open up when the crop begins to ripen and operate until all the seed has been delivered, and

(6) the average operating season of these seed plants is about five months, some plants operating for as little as three or four months; a number operating as long as six months; and a negli-

gible number operating over six months, and

(7) that within a six months' period at least ninety-five percent of all garden seed and seed corn is cleaned and prepared by these plants, and

(8) after the crop has been cleaned and prepared these country cleaning plants shut down except for maintenance, repair and occasional shipments of seeds because the materials used by the industry, i. e., garden seed and seed corn, are no longer available because of natural factors, and

(9) these country cleaning plants are devoted solely and exclusively to the cleaning and preparing of garden seed and seed corn and no other work is done in these plants at any time.

Now, therefore, upon consideration of the aforesaid facts, the Administrator hereby determines, pursuant to § 526.5 (c) of the regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder to the cleaning and preparing of garden seed and seed corn at country cleaning plants.

In the above the term "cleaning and preparing" is understood to mean receiving of the seed crop into the cleaning plant and the cleaning, purifying, sorting, drying, grading, and otherwise rendering such crop suitable for seed. It may include the bulk packaging of seed for delivery to a central point of distribution.

The term "country cleaning plants" is understood to designate those establishments wherein the seed crop is received direct from farmers (and no part of which is shipped from other plants) and is cleaned, purified, sorted, dried, graded, and otherwise rendered suitable for seed.

In accordance with the procedure established by § 526.5 (c) of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

These applications and the report of the investigation made thereon may be examined at Room 313, 939 D Street NW., Washington, D. C.

Signed at Washington, D. C., this 23 day of March 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40-1315; Filed, March 30, 1940;
12:24 p. m.]

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE OPEN-CUT MINING OF PLACER GOLD IN THE STATE OF COLORADO FROM THE MAXIMUM HOURS PROVISIONS

Whereas, on November 6, 1939, an authorized representative of the Administrator of the Wage and Hour Division, United States Department of Labor, determined, after a public hearing held before him in Washington, D. C. on June 19 and 20, 1939, that the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming and the Territory of Alaska is a branch of an industry of a seasonal nature and therefore entitled to the seasonal exemption provided in section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

Whereas, on January 3, 1940, the Administrator made this exemption effective by publication in the FEDERAL REGISTER, and

Whereas, the Colorado Mining Association has filed an application with the Administrator for the inclusion of the open-cut mining of placer gold in the State of Colorado within the aforesaid branch of an industry and therefore is also entitled to the seasonal exemption, and

Whereas, it is alleged in the application filed by the Colorado Mining Association that the open-cut mining of placer gold in Colorado is similar in all material respects to the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming and the Territory of Alaska.

Now, therefore, upon consideration of the facts stated in the said application, and upon further investigation the Administrator hereby determines, pursuant to § 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations, to the open-cut mining of placer gold in the State of Colorado as part of the branch of the open-cut placer gold mining industry found to be a branch of a seasonal industry as set forth in the first and second paragraphs hereof.

In accordance with the procedure established by § 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown in the application.

The application and the report on the investigation made thereon may be examined in Room 313, 939 D Street NW., Washington, D. C.

Signed at Washington, D. C., this 1st day of April 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40-1323; Filed, April 1, 1940; 11:19 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective April 2, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Bennington Hosiery Company, 109 Division Street, Bennington, Vermont, hosiery, seamless, 3 learners, September 18, 1940.

Davis Brothers, Inc., Gault Avenue, Fort Payne, Alabama, hosiery, seamless, 5 learners, September 18, 1940.

Eastern Shore Hosiery Company, 215 Washington Street, Easton, Maryland, hosiery, full fashioned, 5 learners, September 18, 1940.

Archer Manufacturing Company, 1850 South Manhattan Place, Los Angeles, California, apparel, aprons, infant nurs-

ery pads, and pinafores, 3 learners, October 24, 1940.

Betty Brooks Co., Inc., 6031 Maywood Avenue, Huntington Park, California, apparel, women's uniforms and sportswear, 5 learners, October 24, 1940.

Doncaster Collar and Shirt Company, Court Street, Rutherfordton, North Carolina, apparel, dresses, 4 learners, October 24, 1940.

Ethelle, 746 South Los Angeles Street, Los Angeles, California, apparel, ladies' cotton sportswear—playclothes, 5 learners, October 24, 1940.

Grace Corset Company, 242 Eleanor Street, Kalamazoo, Michigan, apparel, foundation garments, 3 learners, October 24, 1940.

Silver Trouser Manufacturing Company, 1405 East Columbus Drive, Indiana Harbor, Indiana, apparel, trousers, 5 percent, October 24, 1940.

Walco Garment Company, 127 East 9th Street, Los Angeles, California, apparel, house dresses and uniforms, 5 learners, October 24, 1940.

Wanda Garment Company, 127 East 9th Street, Los Angeles, California, apparel, cotton dresses and pajamas, 5 learners, October 24, 1940.

Signed at Washington, D. C., this 1st day of April 1940.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-1326; Filed, April 1, 1940; 11:43 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 379]

IN THE MATTER OF THE APPLICATION OF NORTHWEST AIRLINES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of Northwest Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between the terminal point Chicago, Ill., the intermediate points Milwaukee, Wis., Madison, Wis., Rochester, Minn., Minneapolis, Minn., St. Paul, Minn., Fargo, N. Dak., Jamestown, N. Dak., Bismarck-Mandan, N. Dak., Miles City, Mont., Billings, Mont., Butte, Mont., Helena, Mont., Missoula, Mont., Spokane, Wash., Wenatchee, Wash., and Yakima, Wash., and the terminal point Seattle, Wash.; between the intermediate point Yakima, Wash., and the terminal point Portland, Oreg.; and between the intermediate points Fargo, N. Dak., Grand Forks, N. Dak., and the terminal point Winnipeg, Canada, thereby consolidating the certificates of public convenience and necessity issued by the Authority to and now held by said carrier covering Routes 3 and 16, is hereby assigned for public hearing on April 10, 1940, at the Carlton

Hotel, 923 16th Street, N. W., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., March 28, 1940.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-1325; Filed, April 1, 1940;
11:43 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 66]

AUTOMATIC ALARM RECEIVERS APPROVED FOR INSTALLATION AND USE ABOARD SHIP

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of March 1940.

Whereas the Commission in its Telegraph Division Order No. 28, on March 10, 1937, conditionally and tentatively approved the Radiomarine Corporation of America Auto Alarm Model AR-8600 and the Mackay Radio and Telegraph Company Auto Alarm Type 101-A manufactured by the Federal Telegraph Company, for a period ending December 31, 1938; and

Whereas the conditional and tentative approval thus granted has been extended from time to time by amendments to Telegraph Division Orders Nos. 28 and 28-A until March 31, 1940; and

Whereas, by further amendment to Telegraph Division Orders Nos. 28 and 28-A on March 20, 1939, the tentative approval granted by these Orders was extended to include a modified and improved Mackay Radio and Telegraph Company Type 101-A automatic alarm receiver thereafter designated as Mackay Radio and Telegraph Company Auto Alarm Type 101-B; and

Whereas the Radiomarine Corporation of America has requested approval of the Model AR-8600 automatic alarm receiver, and the Mackay Radio and Telegraph Company has requested approval of the Types 101-A and 101-B automatic alarm receivers; and

Whereas the Commission has determined by type tests and by an analysis of inspection and operation reports that the Radiomarine Corporation of America Model AR-8600 automatic alarm receiver and the Mackay Radio and Telegraph Company Types 101-A and 101-B automatic alarm receivers are capable of meeting the present requirements of the Commission applicable to auto alarm equipment used on board vessels of the United States for the purpose of compliance with the Safety of Life at Sea Convention, London, 1929, and Title III, Part II of the Communications Act of 1934, as amended; and

No. 64—5

Whereas the art of radio communication is in a state of rapid development; and

Whereas it is reasonable to expect that improvements to radio communication equipment, which includes automatic alarm receivers, will be made from time to time;

It is ordered, That the following types of automatic alarm receivers are approved for installation and use aboard ship, as hereinafter provided, in accordance with § 8.161 of the Rules of the Commission as complying with all provisions of the "Auto Alarm Requirements and Type Tests" promulgated by the Commission under date of October 1, 1935:

Mackay Radio and Telegraph Company Type 101-A.

Mackay Radio and Telegraph Company Type 101-B.

Radiomarine Corporation of America Model AR-8600.

Provided, That approval of a particular individual automatic alarm receiver of any one of the above-mentioned types, installed on a ship for the purpose of complying with treaty or Title III, Part II of the Communications Act of 1934, as amended, shall not extend beyond the date seven years following the date when the particular alarm in question was first put into service aboard a ship.

Should it be determined at any time, on the basis of practical experience in the operation of automatic alarm receivers, that any of the foregoing approved types of automatic alarm receivers, either individually or as a type, no longer meets the requirements of the Commission as set forth in its Auto Alarm Requirements of October 1, 1935, the Commission reserves the right to withdraw the approval herein extended either to a type of automatic alarm receiver or to an individual automatic alarm receiver installed aboard ship.

The Commission reserves the right to modify its Auto Alarm Requirements and Type Tests, promulgated under date of October 1, 1935, or to supersede these Requirements and Type Tests by requirements which may be set forth in its Rules and related Standards of Good Engineering Practice for Ship Stations whenever in its discretion such action is deemed necessary or desirable.

This Order supersedes Telegraph Division Orders Nos. 28 and 28-A, as amended, and those Orders are hereby revoked.

This Order shall become effective on the 1st day of April 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1321; Filed, April 1, 1940;
11:11 a. m.]

[Docket No. 4852]

APPLICATION OF TIMES DISPATCH RADIO CORP. (WRTD)

Dated September 3, 1937, for construction permit; class of service, broadcast; class of station, broadcast; location, Richmond, Virginia; operating assignment specified: frequency, 590 kc.; power, 1 kw.; directional antenna for night; hours of operation, unlimited

[File No. B2-P-1929]

NOTICE OF HEARING

You are hereby notified that the Commission on February 17, 1940, designated the above entitled matter for supplementary hearing to be held on May 6, 1940, for the following reasons:

(1) To determine the identity of the stockholders or equitable owners of stock of Station WRTD, and whether the license for the station, the frequency authorized to be used thereby, or any right granted therein has been transferred, assigned, or in any manner disposed of, directly or indirectly, by the applicant to any person, without previously securing written consent therefor from the Commission.

(2) To determine what other radio stations or newspapers the officers, directors, and stockholders or equitable owners of stock of the licensee corporation directly or indirectly control or are engaged in, particularly in the communities of Richmond, Norfolk, and Petersburg.

(3) To determine whether the applicant, while holding a license for Station WRTD, in the past assumed the responsibilities and discharged the duties of a licensee of a radiobroadcast station as required by the Act and the Commission's Rules and Regulations.

(4) To determine whether the character of the program service actually rendered coincides with the proposed program service originally represented to the Commission.

(5) To determine what changes, if any, in program service will be undertaken if the application is granted.

(6) To determine whether the applicant operating on the frequency, 1500 kilocycles, or another local frequency would be able to render the service proposed to be rendered on the regional frequency requested.

The applicant's address is as follows:

Times-Dispatch Radio Corp.,
Radio Station WRTD,
State Planters Bank Building,
9th and Main Streets,
Richmond, Virginia.

Dated at Washington, D. C. March 29, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-1320; Filed, April 1, 1940;
11:11 a. m.]

FEDERAL TRADE COMMISSION.

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[Docket No. 3962]

IN THE MATTER OF CONTINENTAL BAKING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended),

It is ordered, That John P. Bramhall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 15, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in the St. George Hotel, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1324; Filed, April 1, 1940;
11:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1940.

[File No. 37-3]

IN THE MATTER OF MIDLAND SUBSIDIARY CORPORATION

ORDER RESCINDING FINDINGS CONCERNING SUBSIDIARY SERVICE COMPANY AND MAKING NEW FINDINGS

Midland Subsidiary Corporation (then known as Corporation Services Inc.) having filed an amended declaration pursuant to Rule U-13-22 (b) promulgated

under section 13 of the Public Utility Holding Company Act of 1935; and

The Commission having by order dated July 31, 1936, found that Midland Subsidiary Corporation's organization and conduct of business as a subsidiary service company were such as to meet the requirements of section 13 (b) of the said Act; and

Midland Subsidiary Corporation having on April 30, 1938, October 1, 1938, and February 1, 1939, filed amendments to the said amended declaration; and

The Commission having had reason to believe that the conditions which led to its order of July 31, 1936, had changed and having on July 6, 1939, issued a notice of and order for hearing to determine whether the said order of July 31, 1936, should be amended, modified, or rescinded; a hearing on said matter having been duly held pursuant to due and timely notice; the Commission having examined the record; and it appearing from the record that Midland Subsidiary Corporation has ceased doing business as a subsidiary service company and is in the process of liquidation:

It is found that the conditions which led to the making of said order dated July 31, 1936, have changed; and that Midland Subsidiary Corporation's organization and conduct of business do not now meet the requirements of section 13 (b) of the Act; and

It is ordered, That the order of the Commission herein dated July 31, 1936, be and the same hereby is rescinded.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1328; Filed, April 1, 1940;
11:45 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of March, A. D. 1940.

[File No. 70-22]

IN THE MATTER OF NORTH AMERICAN LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 10, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 8, 1940.

The matter concerned herewith is in regard to the proposal by the applicant to surrender to its subsidiary The Kansas Power and Light Company all of the Preferred Stock of the latter company now owned by the applicant, the same consisting of 40,533 shares of 6% Cumulative Preferred Stock and 2,256 shares of 7% Cumulative Preferred Stock, in consideration of the payment to the applicant by said The Kansas Power and Light Company of \$4,265,705.85 in cash (the approximate cost of such shares to the applicant and the amount of which such shares are carried on its books, such amount being \$13,194.15 less than the par value thereof) plus accrued dividends.

It appearing to the Commission that said matter is intimately connected with the subject matter of the application of The Kansas Power and Light Company, File No. 70-12, now pending before this Commission, wherein said The Kansas Power and Light Company proposes to issue and sell 139,169 shares of Preferred Stock, 4½% Series, of the aggregate par value of \$13,916,900 and to retire its presently outstanding 6% and 7% Cumulative Preferred Stock, which matter has heretofore been set for hearing at the date and hour first above mentioned;

It is further ordered, That hearings upon the application of North American Light & Power Company, File No. 70-22, and in the matter of The Kansas Power and Light Company, File No. 70-12, be, and they are hereby, consolidated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1329; Filed, April 1, 1940;
11:45 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of April, A. D. 1940.

[File No. 70-23]

IN THE MATTER OF KANSAS GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 17, 1940, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing,

if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that

any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 12, 1940.

The matter concerned herewith is in regard to the proposed issue and sale of \$16,000,000 First Mortgage Bonds 3½% by declarant to nine insurance companies at 105. The proceeds of the sale will principally be used to refund \$16,000,000 of declarant's presently outstanding 4½% First Mortgage Bonds. Declarant has designated section 7 of the Act as applicable to the above transaction.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1330; Filed, April 1, 1940;
11:53 a. m.]

